

Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Kay J. Christofferson

LONG TITLE

General Description:

This bill amends provisions related to motor vehicles, the Department of Transportation, and highways, and makes technical corrections and changes.

Highlighted Provisions:

This bill:

- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;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



- 26 ▶ amends the definition of abandoned aircraft; and
- 27 ▶ makes technical changes.

28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 This bill provides a special effective date.

32 **Utah Code Sections Affected:**

33 AMENDS:

- 34 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15
- 35 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22
- 36 **17B-2a-807.2**, as last amended by Laws of Utah 2022, Chapter 259
- 37 **17B-2a-808.1**, as last amended by Laws of Utah 2022, Chapter 207
- 38 **17B-2a-808.2**, as last amended by Laws of Utah 2023, Chapter 219
- 39 **17B-2a-810.1**, as enacted by Laws of Utah 2018, Chapter 424
- 40 **41-1a-1201**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and
- 41 372
- 42 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 43 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88
- 44 **59-12-103 (Contingently Superseded 01/01/25)**, as last amended by Laws of Utah
- 45 2023, Chapters 22, 213, 329, 361, and 471
- 46 **59-12-103 (Contingently Effective 01/01/25)**, as last amended by Laws of Utah 2023,
- 47 Chapters 22, 213, 329, 361, 459, and 471
- 48 **59-13-103**, as last amended by Laws of Utah 2020, Chapter 373
- 49 **72-1-201**, as last amended by Laws of Utah 2023, Chapter 432
- 50 **72-1-203**, as last amended by Laws of Utah 2023, Chapters 22, 219
- 51 **72-1-216**, as last amended by Laws of Utah 2021, Chapter 280
- 52 **72-1-304**, as last amended by Laws of Utah 2023, Chapters 22, 88 and 219
- 53 **72-2-124**, as last amended by Laws of Utah 2023, Chapters 22, 88, 219, and 529
- 54 **72-3-202**, as last amended by Laws of Utah 2013, Chapter 14
- 55 **72-3-203**, as last amended by Laws of Utah 2013, Chapter 14
- 56 **72-3-204**, as last amended by Laws of Utah 2013, Chapter 14

- 57 [72-3-205](#), as last amended by Laws of Utah 2013, Chapter 14
- 58 [72-3-206](#), as last amended by Laws of Utah 2013, Chapter 14
- 59 [72-5-104](#), as last amended by Laws of Utah 2020, Chapter 293
- 60 [72-6-118](#), as last amended by Laws of Utah 2020, Chapter 377
- 61 [72-6-121](#), as last amended by Laws of Utah 2023, Chapter 299
- 62 [72-10-203.5](#), as enacted by Laws of Utah 2017, Chapter 301
- 63 [72-10-205.5](#), as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 4
- 64 [72-17-101 \(Effective 03/31/24\)](#), as enacted by Laws of Utah 2023, Chapter 42
- 65 [72-17-102 \(Effective 03/31/24\)](#), as enacted by Laws of Utah 2023, Chapter 42
- 66 [77-11d-105](#), as renumbered and amended by Laws of Utah 2023, Chapter 448

67 ENACTS:

- 68 [41-1a-523](#), Utah Code Annotated 1953
- 69 [72-7-111](#), Utah Code Annotated 1953



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

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

73 **17B-2a-804. Additional public transit district powers.**

74 (1) In addition to the powers conferred on a public transit district under Section
75 [17B-1-103](#), a public transit district may:

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

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

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

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

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

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

85 (c) insure against:

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

- 88 (ii) public liability;
- 89 (iii) property damage; or
- 90 (iv) any other type of event, act, or omission;
- 91 (d) subject to Section [~~72-1-202~~] [72-1-203](#) pertaining to fixed guideway capital
- 92 development within a large public transit district, acquire, contract for, lease, construct, own,
- 93 operate, control, or use:
 - 94 (i) a right-of-way, rail line, monorail, bus line, station, platform, switchyard, terminal,
 - 95 parking lot, or any other facility necessary or convenient for public transit service; or
 - 96 (ii) any structure necessary for access by persons and vehicles;
 - 97 (e) (i) hire, lease, or contract for the supplying or management of a facility, operation,
 - 98 equipment, service, employee, or management staff of an operator; and
 - 99 (ii) provide for a sublease or subcontract by the operator upon terms that are in the
 - 100 public interest;
 - 101 (f) operate feeder bus lines and other feeder or ridesharing services as necessary;
 - 102 (g) accept a grant, contribution, or loan, directly through the sale of securities or
 - 103 equipment trust certificates or otherwise, from the United States, or from a department,
 - 104 instrumentality, or agency of the United States;
 - 105 (h) study and plan transit facilities in accordance with any legislation passed by
 - 106 Congress;
 - 107 (i) cooperate with and enter into an agreement with the state or an agency of the state
 - 108 or otherwise contract to finance to establish transit facilities and equipment or to study or plan
 - 109 transit facilities;
 - 110 (j) subject to Subsection [~~17B-2a-808.1(5)~~], [17B-2a-808.1\(4\)](#), issue bonds as provided
 - 111 in and subject to Chapter 1, Part 11, Special District Bonds, to carry out the purposes of the
 - 112 district;
 - 113 (k) from bond proceeds or any other available funds, reimburse the state or an agency
 - 114 of the state for an advance or contribution from the state or state agency;
 - 115 (l) do anything necessary to avail itself of any aid, assistance, or cooperation available
 - 116 under federal law, including complying with labor standards and making arrangements for
 - 117 employees required by the United States or a department, instrumentality, or agency of the
 - 118 United States;

119 (m) sell or lease property;

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

122 (o) subject to Subsections (2) and (3), establish, finance, participate as a limited partner
123 or member in a development with limited liabilities in accordance with Subsection (1)(p),
124 construct, improve, maintain, or operate transit facilities, equipment, and, in accordance with
125 Subsection (3), transit-oriented developments or transit-supportive developments; and

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

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

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

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

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

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

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

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

150 fiduciary duty as a board member.

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

153 (a) perform a cost-benefit analysis of the monetary investment and expenditures of the
154 development, including effect on:

155 (i) service and ridership;

156 (ii) regional plans made by the metropolitan planning agency;

157 (iii) the local economy;

158 (iv) the environment and air quality;

159 (v) affordable housing; and

160 (vi) integration with other modes of transportation;

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

163 (c) coordinate with the Department of Transportation in accordance with Section
164 ~~[72-1-202]~~ [72-2-203](#) pertaining to fixed guideway capital development and associated parking
165 facilities within a station area plan for a transit oriented development within a large public
166 transit district.

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

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

173 (a) for a transit-oriented development involving a municipality:

174 (i) the relevant municipality has developed and adopted a station area plan; and

175 (ii) the municipality is in compliance with Sections [10-9a-403](#) and [10-9a-408](#) regarding
176 the inclusion of moderate income housing in the general plan and the required reporting
177 requirements; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

229 (B) If a large public transit district created before January 1, 2019, has a change to the
230 boundaries of the large public transit district, the Legislature, after receiving and considering
231 the proposal described in Subsection (1)(a)(iii)(A), shall designate the three regions for
232 nominating members to the board of trustees of the large public transit district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

262 (b) If the governor fails to appoint one of the individuals nominated as described in
263 Subsection (2), (3), or (4), as applicable, within 60 days of the nominations, the following
264 appointment procedures apply:

265 (i) for an appointment for the central region, the Salt Lake County council shall appoint
266 an individual, with confirmation by the Senate;

267 (ii) for an appointment for the southern region, the Utah County commission shall
268 appoint an individual, in consultation with the Tooele County [~~commission~~] legislative body,
269 with confirmation by the Senate; and

270 (iii) for an appointment for the northern region, the Davis County commission and the
271 Weber County commission, collectively, and in consultation with the Box Elder County
272 commission, shall appoint an individual, with confirmation by the Senate.

273 (6) (a) Each nominee shall be a qualified executive with technical and administrative

274 experience and training appropriate for the position.

275 (b) The board of trustees of a large public transit district shall be full-time employees
276 of the public transit district.

277 (c) The compensation package for the board of trustees shall be determined by the local
278 advisory council as described in Section [17B-2a-808.2](#).

279 (d) (i) Subject to Subsection (6)(d)(iii), for a board of trustees of a large public transit
280 district, "quorum" means at least two members of the board of trustees.

281 (ii) Action by a majority of a quorum constitutes an action of the board of trustees.

282 (iii) A meeting of a quorum of a board of trustees of a large public transit district is
283 subject to Section [52-4-103](#) regarding convening of a three-member board of trustees and what
284 constitutes a public meeting.

285 (7) (a) Subject to Subsection (8), each member of the board of trustees of a large public
286 transit district shall serve for a term of four years.

287 (b) A member of the board of trustees may serve an unlimited number of terms.

288 (c) Notwithstanding Subsection (2), (3), or (4), as applicable, at the expiration of a
289 term of a member of the board of trustees, if the respective nominating entities and individuals
290 for the respective region described in Subsection (2), (3), or (4), unanimously agree to retain
291 the existing member of the board of trustees, the respective nominating individuals or bodies
292 described in Subsection (2), (3), or (4) are not required to make nominations to the governor,
293 and the governor may reappoint the existing member to the board of trustees.

294 (8) Each member of the board of trustees of a large public transit district shall serve at
295 the pleasure of the governor.

296 (9) Subject to Subsections (7) and (8), a board of trustees of a large public transit
297 district that is in place as of February 1, 2019, may remain in place.

298 (10) The governor shall designate one member of the board of trustees as chair of the
299 board of trustees.

300 (11) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
301 individual shall occur in the same manner described in Subsection (2), (3), or (4), and, if
302 applicable, Subsection (5), for the respective member of the board of trustees creating the
303 vacancy.

304 (b) If a vacancy occurs on the board of trustees of a large public transit district, the

305 respective nominating region shall nominate individuals to the governor as described in this
306 section within 60 days after the vacancy occurs.

307 (c) If the respective nominating region does not nominate to fill the vacancy within 60
308 days, the governor shall appoint an individual to fill the vacancy.

309 (d) A replacement board member shall serve for the remainder of the unexpired term,
310 but may serve an unlimited number of terms as provided in Subsection (7)(b).

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

312 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
313 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

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

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

317 (a) hold public meetings and receive public comment;

318 (b) ensure that the policies, procedures, and management practices established by the
319 public transit district meet state and federal regulatory requirements and federal grantee
320 eligibility;

321 (c) [~~subject to Subsection (8),~~] create and approve an annual budget, including the
322 issuance of bonds and other financial instruments, after consultation with the local advisory
323 council;

324 (d) approve any interlocal agreement with a local jurisdiction;

325 (e) in consultation with the local advisory council, approve contracts and overall
326 property acquisitions and dispositions for transit-oriented development;

327 (f) in consultation with constituent counties, municipalities, metropolitan planning
328 organizations, and the local advisory council:

329 (i) develop and approve a strategic plan for development and operations on at least a
330 four-year basis; and

331 (ii) create and pursue funding opportunities for transit capital and service initiatives to
332 meet anticipated growth within the public transit district;

333 (g) annually report the public transit district's long-term financial plan to the State
334 Bonding Commission;

335 (h) annually report the public transit district's progress and expenditures related to state

336 resources to the Executive Appropriations Committee and the Infrastructure and General
337 Government Appropriations Subcommittee;

338 (i) annually report to the Transportation Interim Committee the public transit district's
339 efforts to engage in public-private partnerships for public transit services;

340 (j) hire, set salaries, and develop performance targets and evaluations for:

341 (i) the executive director; and

342 (ii) all chief level officers;

343 (k) supervise and regulate each transit facility that the public transit district owns and
344 operates, including:

345 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
346 charges; and

347 (ii) make and enforce rules, regulations, contracts, practices, and schedules for or in
348 connection with a transit facility that the district owns or controls;

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

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

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

355 (m) in consultation with the local advisory council created under Section
356 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
357 Chapter 7, State Money Management Act;

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

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

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

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

366 (B) an accounting of the expenditures of all local sales and use tax revenues generated

367 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

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

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

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

373 (p) report at least annually to the Transportation Commission created in Section
374 72-1-301, which report shall include:

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

378 (ii) any transit capital development projects that the board of trustees would like the
379 Transportation Commission to consider;

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

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

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

387 (i) how negotiations occurred;

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

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

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

393 (u) review and approve any:

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

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

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

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

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

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

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

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

404 (ii) necessary for:

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

406 (B) the execution of district powers; and

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

408 (b) provide by resolution, under terms and conditions the board considers fit, for the
409 payment of demands against the district without prior specific approval by the board, if the
410 payment is:

411 (i) for a purpose for which the expenditure has been previously approved by the board;

412 (ii) in an amount no greater than the amount authorized; and

413 (iii) approved by the executive director or other officer or deputy as the board
414 prescribes;

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

416 (i) hold public hearings and subpoena witnesses; and

417 (ii) appoint district officers to conduct a hearing and require the officers to make
418 findings and conclusions and report them to the board; and

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

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

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

428 [~~(b) any legal or contractual restrictions on any employees that are party to a~~

429 collectively bargained retirement plan; and]

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

433 [~~(5)~~] (4) The board of trustees may not issue a bond unless the board of trustees has
434 consulted and received approval from the State Finance Review Commission created in Section
435 [63C-25-201](#).

436 [~~(6)~~] (5) A member of the board of trustees of a large public transit district or a hearing
437 officer designated by the board may administer oaths and affirmations in a district investigation
438 or proceeding.

439 [~~(7)~~] (6) (a) The vote of the board of trustees on each ordinance or resolution shall be
440 by roll call vote with each affirmative and negative vote recorded.

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

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

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

448 [~~(b) The budget described in Subsection (8)(a) shall include setting the salary of each~~
449 ~~of the members of the board of trustees that will assume control on or before November 1,~~
450 ~~2018, which salary may not exceed \$150,000, plus additional retirement and other standard~~
451 ~~benefits, as set by the local advisory council as described in Section [17B-2a-808.2](#).]~~

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

455 Section 5. Section [17B-2a-808.2](#) is amended to read:

456 **[17B-2a-808.2](#). Large public transit district local advisory council -- Powers and**
457 **duties.**

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

459 (2) (a) (i) For a large public transit district in existence as of January 1, 2019, the local

460 advisory council shall have membership selected as described in Subsection (2)(b).

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

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

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

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

471 (iii) The council of governments of Utah County shall appoint two members to the
472 local advisory council.

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

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

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

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

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

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

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

490 (iv) reviewing, approving, and recommending final adoption by the board of trustees of

491 any plan for a transit-oriented development where a large public transit district is involved;

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

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

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

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

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

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

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

506 **17B-2a-810.1. Attorney general as legal counsel for a large public transit district**
507 **-- Large public transit district may sue and be sued.**

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

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

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

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

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

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

522 ~~[(3)]~~ (2) Sections ~~67-5-6~~ through ~~[13, Attorney General Career Service Act,]~~ ~~67-5-13~~
523 apply to representation of a large public transit district by the Utah attorney general.

524 ~~[(4)]~~ (3) A large public transit district may sue, and it may be sued only on written
525 contracts made by it or under its authority.

526 ~~[(5)]~~ (4) In all matters requiring legal advice in the performance of the attorney
527 general's duties and in the prosecution or defense of any action growing out of the performance
528 of the attorney general's duties, the attorney general is the legal adviser of a large public transit
529 district and shall perform any and all legal services required by the large public transit district.

530 ~~[(6)]~~ (5) The attorney general shall aid in any investigation, hearing, or trial under the
531 provisions of this part and institute and prosecute actions or proceedings for the enforcement of
532 the provisions of the Constitution and statutes of this state or any rule or ordinance of the large
533 public transit district affecting and related to public transit, persons, and property.

534 Section 7. Section ~~41-1a-523~~ is enacted to read:

535 **41-1a-523. Electronic titling.**

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

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

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

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

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

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

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

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

546 Section 8. Section ~~41-1a-1201~~ is amended to read:

547 **41-1a-1201. Disposition of fees.**

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

550 (2) Except as provided in Subsections (3), (5), (6), (7), (8), and (9) and Sections
551 ~~41-1a-1205, 41-1a-1220, 41-1a-1221, 41-1a-1222, 41-1a-1223, and 41-1a-1603~~, all fees
552 collected under this part shall be deposited into the Transportation Fund.

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

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

559 (b) Three dollars of the registration fees imposed under Subsections 41-1a-1206(2)(a)
560 and (b) for each vehicle registered for a six-month registration period under Section
561 41-1a-215.5 may be used by the commission to cover the costs incurred in enforcing and
562 administering this part.

563 (c) Fifty cents of the registration fee imposed under Subsection 41-1a-1206(1)(i) for
564 each vintage vehicle that has a model year of [~~1981~~] 1983 or newer may be used by the
565 commission to cover the costs incurred in enforcing and administering this part.

566 (5) (a) The following portions of the registration fees imposed under Section
567 41-1a-1206 for each vehicle shall be deposited into the Transportation Investment Fund of
568 2005 created in Section 72-2-124:

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

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

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

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

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

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

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

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

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

582 (6) (a) Ninety-four cents of each registration fee imposed under Subsections
583 41-1a-1206(1)(a) and (b) for each vehicle shall be deposited into the Public Safety Restricted

584 Account created in Section 53-3-106.

585 (b) Seventy-one cents of each registration fee imposed under Subsections
586 41-1a-1206(2)(a) and (b) for each vehicle registered for a six-month registration period under
587 Section 41-1a-215.5 shall be deposited into the Public Safety Restricted Account created in
588 Section 53-3-106.

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

592 (b) One dollar of each registration fee imposed under Subsections 41-1a-1206(2)(a)
593 and (b) for each vehicle registered for a six-month registration period under Section
594 41-1a-215.5 shall be deposited into the Motor Vehicle Safety Impact Restricted Account
595 created in Section 53-8-214.

596 (8) Fifty cents of each registration fee imposed under Subsection 41-1a-1206(1)(a) for
597 each motorcycle shall be deposited into the Neuro-Rehabilitation Fund created in Section
598 26B-1-319.

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

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

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

607 (ii) 0.

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

610 Section 9. Section 41-6a-201 is amended to read:

611 **41-6a-201. Chapter relates to vehicles on highways -- Exceptions.**

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

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

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

618 (3) on private roads within the confines of a campus of a private institution of higher
619 education that has a certified private law enforcement agency, as authorized by Subsection
620 [53-19-202\(1\)\(b\)](#).

621 Section 10. Section [41-22-2](#) is amended to read:

622 **[41-22-2](#). Definitions.**

623 As used in this chapter:

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

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

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

635 (i) an electric-powered vehicle; or

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

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

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

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

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

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

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

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

652 (9) "Low pressure tire" means any pneumatic tire six inches or more in width designed
653 for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of
654 10 pounds per square inch or less as recommended by the vehicle manufacturer.

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

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

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

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

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

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

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

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

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

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

676 (19) "Public land" means land owned or administered by any federal or state agency or

677 any political subdivision of the state.

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

680 (21) "Roadway" is used as defined in Section 41-6a-102.

681 (22) "Snowmobile" means any motor vehicle designed for travel on snow or ice and
682 steered and supported in whole or in part by skis, belts, cleats, runners, or low pressure tires,
683 and equipped with a saddle or seat for the use of the rider.

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

687 (24) "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as
688 defined in Section 41-6a-102.

689 Section 11. Section 59-12-103 (Contingently Superseded 01/01/25) is amended to
690 read:

691 **59-12-103 (Contingently Superseded 01/01/25). Sales and use tax base -- Rates --**
692 **Effective dates -- Use of sales and use tax revenues.**

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

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

696 (b) amounts paid for:

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

699 (ii) mobile telecommunications service that originates and terminates within the
700 boundaries of one state only to the extent permitted by the Mobile Telecommunications

701 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

702 (iii) an ancillary service associated with a:

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

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

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

706 (i) gas;

707 (ii) electricity;

- 708 (iii) heat;
- 709 (iv) coal;
- 710 (v) fuel oil; or
- 711 (vi) other fuels;
- 712 (d) sales of the following for residential use:
- 713 (i) gas;
- 714 (ii) electricity;
- 715 (iii) heat;
- 716 (iv) coal;
- 717 (v) fuel oil; or
- 718 (vi) other fuels;
- 719 (e) sales of prepared food;
- 720 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 721 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 722 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 723 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 724 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 725 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 726 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 727 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 728 exhibition, cultural, or athletic activity;
- 729 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 730 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 731 (i) the tangible personal property; and
- 732 (ii) parts used in the repairs or renovations of the tangible personal property described
- 733 in Subsection (1)(g)(i), regardless of whether:
- 734 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 735 property; or
- 736 (B) the particular parts used in the repairs or renovations of that tangible personal
- 737 property are exempt from a tax under this chapter;
- 738 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for

739 assisted cleaning or washing of tangible personal property;

740 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court

741 accommodations and services that are regularly rented for less than 30 consecutive days;

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

743 (k) amounts paid or charged for leases or rentals of tangible personal property if within

744 this state the tangible personal property is:

745 (i) stored;

746 (ii) used; or

747 (iii) otherwise consumed;

748 (l) amounts paid or charged for tangible personal property if within this state the

749 tangible personal property is:

750 (i) stored;

751 (ii) used; or

752 (iii) consumed;

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

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

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

756 (ii) regardless of whether the sale provides:

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

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

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

760 (II) that terminates upon the occurrence of a condition; and

761 (n) sales of leased tangible personal property from the lessor to the lessee made in the

762 state.

763 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax

764 are imposed on a transaction described in Subsection (1) equal to the sum of:

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

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

767 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales

768 and Use Tax Act, if the location of the transaction as determined under Sections 59-12-211

769 through 59-12-215 is in a county in which the state imposes the tax under Part 18, Additional

770 State Sales and Use Tax Act; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

817 (vi) A car-sharing program shall:

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

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

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

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

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

826 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
827 Sales and Use Tax Act, if the location of the transaction as determined under Sections
828 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
829 Additional State Sales and Use Tax Act; and

830 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
831 Sales and Use Tax Act, if the location of the transaction as determined under Sections

832 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
833 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

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

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

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

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

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

849 (II) state or federal law provides otherwise;

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

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

857 (II) state or federal law provides otherwise.

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

861 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
862 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a

863 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
864 of tangible personal property, other property, a product, or a service that is not subject to
865 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
866 the seller, at the time of the transaction:

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

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

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

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

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

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

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

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

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

892 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
893 seller's regular course of business includes books and records the seller keeps in the regular

894 course of business for nontax purposes.

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

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

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

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

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

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

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

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

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

907 (D) Subsection (2)(f)(i)(A)(I).

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

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

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

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

914 (D) Subsection (2)(f)(i)(A)(I).

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

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

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

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

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

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

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

924 (D) Subsection (2)(f)(i)(A)(I).

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

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

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

932 (A) a commercial use;

933 (B) an industrial use; or

934 (C) a residential use.

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

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

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

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

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

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

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

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

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

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

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

948 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
949 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
950 through (g):

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

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

953 (B) for the fiscal year; or

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

955 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount

956 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
957 revenue to the Department of Natural Resources to:

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

960 (B) award grants, up to the amount authorized by the Legislature in an appropriations
961 act, to political subdivisions of the state to implement the measures described in Subsections
962 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.

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

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

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

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

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

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

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

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

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

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

986 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the

987 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

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

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

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

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

1000 (C) protect the state's interest in interstate water compact allocations, including the
1001 hiring of technical and legal staff.

1002 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1003 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1004 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1005 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1006 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1007 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1008 (i) provide for the installation and repair of collection, treatment, storage, and
1009 distribution facilities for any public water system, as defined in Section 19-4-102;

1010 (ii) develop underground sources of water, including springs and wells; and

1011 (iii) develop surface water sources.

1012 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1013 2006, the difference between the following amounts shall be expended as provided in this
1014 Subsection (5), if that difference is greater than \$1:

1015 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1016 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1017 (ii) \$17,500,000.

1018 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1019 (A) transferred each fiscal year to the Department of Natural Resources as designated
1020 sales and use tax revenue; and

1021 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1022 restoration.

1023 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1024 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
1025 and Development Fund created in Section 73-10-24.

1026 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1027 remaining difference described in Subsection (5)(a) shall be:

1028 (A) transferred each fiscal year to the Division of Water Resources as designated sales
1029 and use tax revenue; and

1030 (B) expended by the Division of Water Resources for cloud-seeding projects
1031 authorized by Title 73, Chapter 15, Modification of Weather.

1032 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1033 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
1034 and Development Fund created in Section 73-10-24.

1035 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1036 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1037 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1038 Division of Water Resources for:

1039 (i) preconstruction costs:

1040 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1041 26, Bear River Development Act; and

1042 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1043 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1044 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1045 Chapter 26, Bear River Development Act;

1046 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1047 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1048 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and

1049 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1050 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1051 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
1052 Rights Restricted Account created by Section 73-2-1.6.

1053 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
1054 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
1055 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
1056 transactions described in Subsection (1) for the fiscal year.

1057 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1058 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
1059 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
1060 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

1061 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1062 (ii) the tax imposed by Subsection (2)(b)(i);

1063 (iii) the tax imposed by Subsection (2)(c)(i); and

1064 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1065 (b) (i) As used in this Subsection (7)(b):

1066 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1067 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1068 previous fiscal year.

1069 (B) "Combined amount" means the combined total amount of money deposited into the
1070 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1071 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1072 Investment Fund created in Subsection 72-2-124(10).

1073 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1074 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iv).

1075 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1076 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
1077 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
1078 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1079 limit in Subsection (7)(b)(iii).

1080 (iii) The commission shall annually deposit the amount described in Subsection
1081 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1082 for any single fiscal year of \$20,000,000.

1083 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1084 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1085 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
1086 revenue.

1087 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
1088 2023, the commission shall annually reduce the deposit into the Transportation Investment
1089 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:

1090 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
1091 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
1092 in Subsections (7)(a)(i) through (iv);

1093 (B) the amount of revenue generated in the current fiscal year by registration fees
1094 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
1095 of 2005; and

1096 (C) revenues transferred by the Division of Finance to the Transportation Investment
1097 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1098 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1099 given fiscal year.

1100 (iii) The commission shall annually deposit the amount described in Subsection
1101 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1102 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1103 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
1104 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1105 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
1106 in an amount equal to 3.68% of the revenues collected from the following taxes:

1107 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1108 (ii) the tax imposed by Subsection (2)(b)(i);

1109 (iii) the tax imposed by Subsection (2)(c)(i); and

1110 (iv) the tax imposed by Subsection (2)(f)(i)(A)(I).

1111 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1112 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
1113 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
1114 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale
1115 or use in this state that exceeds 29.4 cents per gallon.

1116 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1117 into the Transit Transportation Investment Fund created in Section [72-2-124](#).

1118 (d) (i) As used in this Subsection (8)(d):

1119 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1120 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1121 previous fiscal year.

1122 (B) "Combined amount" means the combined total amount of money deposited into the
1123 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1124 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
1125 Investment Fund created in Subsection [72-2-124](#)(10).

1126 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1127 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
1128 (iv).

1129 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1130 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
1131 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
1132 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1133 limit in Subsection (8)(d)(iii).

1134 (iii) The commission shall annually deposit the amount described in Subsection
1135 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1136 for any single fiscal year of \$20,000,000.

1137 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1138 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1139 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
1140 revenue.

1141 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

1142 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1143 created by Section 35A-8-1009 and expended as provided in Section 35A-8-1009.

1144 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1145 fiscal year during which the commission receives notice under Section 63N-2-510 that
1146 construction on a qualified hotel, as defined in Section 63N-2-502, has begun, the commission
1147 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
1148 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
1149 Section 63N-2-512.

1150 (11) (a) The rate specified in this subsection is 0.15%.

1151 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1152 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
1153 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
1154 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section 26B-1-315.

1155 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1156 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
1157 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
1158 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1159 ~~[(13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
1160 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund~~
1161 ~~of 2005 under Subsections (7) and (8) to the General Fund.]~~

1162 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
1163 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~
1164 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005 under~~
1165 ~~Subsections (7) and (8) during the fiscal year to the General Fund.]~~

1166 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
1167 beginning the first day of the calendar quarter one year after the sales and use tax boundary for
1168 a housing and transit reinvestment zone is established, the commission, at least annually, shall
1169 transfer an amount equal to 15% of the sales and use tax increment within an established sales
1170 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
1171 Investment Fund created in Section 72-2-124.

1172 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year

1173 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
1174 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
1175 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1176 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1177 (b) the tax imposed by Subsection (2)(b)(i);
- 1178 (c) the tax imposed by Subsection (2)(c)(i); and
- 1179 (d) the tax imposed by Subsection (2)(f)(i)(A)(I).

1180 Section 12. Section 59-12-103 (Contingently Effective 01/01/25) is amended to read:

1181 **59-12-103 (Contingently Effective 01/01/25). Sales and use tax base -- Rates --**
1182 **Effective dates -- Use of sales and use tax revenues.**

1183 (1) A tax is imposed on the purchaser as provided in this part on the purchase price or
1184 sales price for amounts paid or charged for the following transactions:

- 1185 (a) retail sales of tangible personal property made within the state;
- 1186 (b) amounts paid for:
 - 1187 (i) telecommunications service, other than mobile telecommunications service, that
 - 1188 originates and terminates within the boundaries of this state;
 - 1189 (ii) mobile telecommunications service that originates and terminates within the
 - 1190 boundaries of one state only to the extent permitted by the Mobile Telecommunications
 - 1191 Sourcing Act, 4 U.S.C. Sec. 116 et seq.; or

1192 (iii) an ancillary service associated with a:

- 1193 (A) telecommunications service described in Subsection (1)(b)(i); or
- 1194 (B) mobile telecommunications service described in Subsection (1)(b)(ii);

1195 (c) sales of the following for commercial use:

- 1196 (i) gas;
- 1197 (ii) electricity;
- 1198 (iii) heat;
- 1199 (iv) coal;
- 1200 (v) fuel oil; or
- 1201 (vi) other fuels;

1202 (d) sales of the following for residential use:

- 1203 (i) gas;

- 1204 (ii) electricity;
- 1205 (iii) heat;
- 1206 (iv) coal;
- 1207 (v) fuel oil; or
- 1208 (vi) other fuels;
- 1209 (e) sales of prepared food;
- 1210 (f) except as provided in Section 59-12-104, amounts paid or charged as admission or
- 1211 user fees for theaters, movies, operas, museums, planetariums, shows of any type or nature,
- 1212 exhibitions, concerts, carnivals, amusement parks, amusement rides, circuses, menageries,
- 1213 fairs, races, contests, sporting events, dances, boxing matches, wrestling matches, closed circuit
- 1214 television broadcasts, billiard parlors, pool parlors, bowling lanes, golf, miniature golf, golf
- 1215 driving ranges, batting cages, skating rinks, ski lifts, ski runs, ski trails, snowmobile trails,
- 1216 tennis courts, swimming pools, water slides, river runs, jeep tours, boat tours, scenic cruises,
- 1217 horseback rides, sports activities, or any other amusement, entertainment, recreation,
- 1218 exhibition, cultural, or athletic activity;
- 1219 (g) amounts paid or charged for services for repairs or renovations of tangible personal
- 1220 property, unless Section 59-12-104 provides for an exemption from sales and use tax for:
- 1221 (i) the tangible personal property; and
- 1222 (ii) parts used in the repairs or renovations of the tangible personal property described
- 1223 in Subsection (1)(g)(i), regardless of whether:
- 1224 (A) any parts are actually used in the repairs or renovations of that tangible personal
- 1225 property; or
- 1226 (B) the particular parts used in the repairs or renovations of that tangible personal
- 1227 property are exempt from a tax under this chapter;
- 1228 (h) except as provided in Subsection 59-12-104(7), amounts paid or charged for
- 1229 assisted cleaning or washing of tangible personal property;
- 1230 (i) amounts paid or charged for tourist home, hotel, motel, or trailer court
- 1231 accommodations and services that are regularly rented for less than 30 consecutive days;
- 1232 (j) amounts paid or charged for laundry or dry cleaning services;
- 1233 (k) amounts paid or charged for leases or rentals of tangible personal property if within
- 1234 this state the tangible personal property is:

- 1235 (i) stored;
- 1236 (ii) used; or
- 1237 (iii) otherwise consumed;
- 1238 (l) amounts paid or charged for tangible personal property if within this state the
- 1239 tangible personal property is:
 - 1240 (i) stored;
 - 1241 (ii) used; or
 - 1242 (iii) consumed;
 - 1243 (m) amounts paid or charged for a sale:
 - 1244 (i) (A) of a product transferred electronically; or
 - 1245 (B) of a repair or renovation of a product transferred electronically; and
 - 1246 (ii) regardless of whether the sale provides:
 - 1247 (A) a right of permanent use of the product; or
 - 1248 (B) a right to use the product that is less than a permanent use, including a right:
 - 1249 (I) for a definite or specified length of time; and
 - 1250 (II) that terminates upon the occurrence of a condition; and
 - 1251 (n) sales of leased tangible personal property from the lessor to the lessee made in the
 - 1252 state.
 - 1253 (2) (a) Except as provided in Subsections (2)(b) through (f), a state tax and a local tax
 - 1254 are imposed on a transaction described in Subsection (1) equal to the sum of:
 - 1255 (i) a state tax imposed on the transaction at a tax rate equal to the sum of:
 - 1256 (A) 4.70% plus the rate specified in Subsection (11)(a); and
 - 1257 (B) (I) the tax rate the state imposes in accordance with Part 18, Additional State Sales
 - 1258 and Use Tax Act, if the location of the transaction as determined under Sections [59-12-211](#)
 - 1259 through [59-12-215](#) is in a county in which the state imposes the tax under Part 18, Additional
 - 1260 State Sales and Use Tax Act; and
 - 1261 (II) the tax rate the state imposes in accordance with Part 20, Supplemental State Sales
 - 1262 and Use Tax Act, if the location of the transaction as determined under Sections [59-12-211](#)
 - 1263 through [59-12-215](#) is in a city, town, or the unincorporated area of a county in which the state
 - 1264 imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and
 - 1265 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the

1266 transaction under this chapter other than this part.

1267 (b) Except as provided in Subsection (2)(f) or (g) and subject to Subsection (2)(l), a
1268 state tax and a local tax are imposed on a transaction described in Subsection (1)(d) equal to
1269 the sum of:

1270 (i) a state tax imposed on the transaction at a tax rate of 2%; and

1271 (ii) a local tax equal to the sum of the tax rates a county, city, or town imposes on the
1272 transaction under this chapter other than this part.

1273 (c) (i) Except as provided in Subsection (2)(f) or (g), a local tax is imposed on amounts
1274 paid or charged for food and food ingredients equal to the sum of the tax rates a county, city, or
1275 town imposes under this chapter on the amounts paid or charged for food or food ingredients.

1276 (ii) There is no state tax imposed on amounts paid or charged for food and food
1277 ingredients.

1278 (d) Except as provided in Subsection (2)(f) or (g), a state tax is imposed on amounts
1279 paid or charged for fuel to a common carrier that is a railroad for use in a locomotive engine at
1280 a rate of 4.85%.

1281 (e) (i) (A) If a shared vehicle owner certifies to the commission, on a form prescribed
1282 by the commission, that the shared vehicle is an individual-owned shared vehicle, a tax
1283 imposed under Subsection (2)(a)(i)(A) does not apply to car sharing, a car-sharing program, a
1284 shared vehicle driver, or a shared vehicle owner.

1285 (B) A shared vehicle owner's certification described in Subsection (2)(e)(i)(A) is
1286 required once during the time that the shared vehicle owner owns the shared vehicle.

1287 (C) The commission shall verify that a shared vehicle is an individual-owned shared
1288 vehicle by verifying that the applicable Utah taxes imposed under this chapter were paid on the
1289 purchase of the shared vehicle.

1290 (D) The exception under Subsection (2)(e)(i)(A) applies to a certified
1291 individual-owned shared vehicle shared through a car-sharing program even if non-certified
1292 shared vehicles are also available to be shared through the same car-sharing program.

1293 (ii) A tax imposed under Subsection (2)(a)(i)(B) or (2)(a)(ii) applies to car sharing.

1294 (iii) (A) A car-sharing program may rely in good faith on a shared vehicle owner's
1295 representation that the shared vehicle is an individual-owned shared vehicle certified with the
1296 commission as described in Subsection (2)(e)(i).

1297 (B) If a car-sharing program relies in good faith on a shared vehicle owner's
1298 representation that the shared vehicle is an individual-owned shared vehicle certified with the
1299 commission as described in Subsection (2)(e)(i), the car-sharing program is not liable for any
1300 tax, penalty, fee, or other sanction imposed on the shared vehicle owner.

1301 (iv) If all shared vehicles shared through a car-sharing program are certified as
1302 described in Subsection (2)(e)(i)(A) for a tax period, the car-sharing program has no obligation
1303 to collect and remit the tax under Subsection (2)(a)(i)(A) for that tax period.

1304 (v) [~~(A)~~] A car-sharing program is not required to list or otherwise identify an
1305 individual-owned shared vehicle on a return or an attachment to a return.

1306 (vi) A car-sharing program shall:

1307 (A) retain tax information for each car-sharing program transaction; and

1308 (B) provide the information described in Subsection (2)(e)(vi)(A) to the commission at
1309 the commission's request.

1310 (f) (i) For a bundled transaction that is attributable to food and food ingredients and
1311 tangible personal property other than food and food ingredients, a state tax and a local tax is
1312 imposed on the entire bundled transaction equal to the sum of:

1313 (A) a state tax imposed on the entire bundled transaction equal to the sum of:

1314 (I) the tax rate described in Subsection (2)(a)(i)(A); and

1315 (II) (Aa) the tax rate the state imposes in accordance with Part 18, Additional State
1316 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1317 59-12-211 through 59-12-215 is in a county in which the state imposes the tax under Part 18,
1318 Additional State Sales and Use Tax Act; and

1319 (Bb) the tax rate the state imposes in accordance with Part 20, Supplemental State
1320 Sales and Use Tax Act, if the location of the transaction as determined under Sections
1321 59-12-211 through 59-12-215 is in a city, town, or the unincorporated area of a county in which
1322 the state imposes the tax under Part 20, Supplemental State Sales and Use Tax Act; and

1323 (B) a local tax imposed on the entire bundled transaction at the sum of the tax rates
1324 described in Subsection (2)(a)(ii).

1325 (ii) If an optional computer software maintenance contract is a bundled transaction that
1326 consists of taxable and nontaxable products that are not separately itemized on an invoice or
1327 similar billing document, the purchase of the optional computer software maintenance contract

1328 is 40% taxable under this chapter and 60% nontaxable under this chapter.

1329 (iii) Subject to Subsection (2)(f)(iv), for a bundled transaction other than a bundled
1330 transaction described in Subsection (2)(f)(i) or (ii):

1331 (A) if the sales price of the bundled transaction is attributable to tangible personal
1332 property, a product, or a service that is subject to taxation under this chapter and tangible
1333 personal property, a product, or service that is not subject to taxation under this chapter, the
1334 entire bundled transaction is subject to taxation under this chapter unless:

1335 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1336 personal property, product, or service that is not subject to taxation under this chapter from the
1337 books and records the seller keeps in the seller's regular course of business; or

1338 (II) state or federal law provides otherwise; or

1339 (B) if the sales price of a bundled transaction is attributable to two or more items of
1340 tangible personal property, products, or services that are subject to taxation under this chapter
1341 at different rates, the entire bundled transaction is subject to taxation under this chapter at the
1342 higher tax rate unless:

1343 (I) the seller is able to identify by reasonable and verifiable standards the tangible
1344 personal property, product, or service that is subject to taxation under this chapter at the lower
1345 tax rate from the books and records the seller keeps in the seller's regular course of business; or

1346 (II) state or federal law provides otherwise.

1347 (iv) For purposes of Subsection (2)(f)(iii), books and records that a seller keeps in the
1348 seller's regular course of business includes books and records the seller keeps in the regular
1349 course of business for nontax purposes.

1350 (g) (i) Except as otherwise provided in this chapter and subject to Subsections (2)(g)(ii)
1351 and (iii), if a transaction consists of the sale, lease, or rental of tangible personal property, a
1352 product, or a service that is subject to taxation under this chapter, and the sale, lease, or rental
1353 of tangible personal property, other property, a product, or a service that is not subject to
1354 taxation under this chapter, the entire transaction is subject to taxation under this chapter unless
1355 the seller, at the time of the transaction:

1356 (A) separately states the portion of the transaction that is not subject to taxation under
1357 this chapter on an invoice, bill of sale, or similar document provided to the purchaser; or

1358 (B) is able to identify by reasonable and verifiable standards, from the books and

1359 records the seller keeps in the seller's regular course of business, the portion of the transaction
1360 that is not subject to taxation under this chapter.

1361 (ii) A purchaser and a seller may correct the taxability of a transaction if:

1362 (A) after the transaction occurs, the purchaser and the seller discover that the portion of
1363 the transaction that is not subject to taxation under this chapter was not separately stated on an
1364 invoice, bill of sale, or similar document provided to the purchaser because of an error or
1365 ignorance of the law; and

1366 (B) the seller is able to identify by reasonable and verifiable standards, from the books
1367 and records the seller keeps in the seller's regular course of business, the portion of the
1368 transaction that is not subject to taxation under this chapter.

1369 (iii) For purposes of Subsections (2)(g)(i) and (ii), books and records that a seller keeps
1370 in the seller's regular course of business includes books and records the seller keeps in the
1371 regular course of business for nontax purposes.

1372 (h) (i) If the sales price of a transaction is attributable to two or more items of tangible
1373 personal property, products, or services that are subject to taxation under this chapter at
1374 different rates, the entire purchase is subject to taxation under this chapter at the higher tax rate
1375 unless the seller, at the time of the transaction:

1376 (A) separately states the items subject to taxation under this chapter at each of the
1377 different rates on an invoice, bill of sale, or similar document provided to the purchaser; or

1378 (B) is able to identify by reasonable and verifiable standards the tangible personal
1379 property, product, or service that is subject to taxation under this chapter at the lower tax rate
1380 from the books and records the seller keeps in the seller's regular course of business.

1381 (ii) For purposes of Subsection (2)(h)(i), books and records that a seller keeps in the
1382 seller's regular course of business includes books and records the seller keeps in the regular
1383 course of business for nontax purposes.

1384 (i) Subject to Subsections (2)(j) and (k), a tax rate repeal or tax rate change for a tax
1385 rate imposed under the following shall take effect on the first day of a calendar quarter:

1386 (i) Subsection (2)(a)(i)(A);

1387 (ii) Subsection (2)(b)(i); or

1388 (iii) Subsection (2)(f)(i)(A)(I).

1389 (j) (i) A tax rate increase takes effect on the first day of the first billing period that

- 1390 begins on or after the effective date of the tax rate increase if the billing period for the
1391 transaction begins before the effective date of a tax rate increase imposed under:
- 1392 (A) Subsection (2)(a)(i)(A);
 - 1393 (B) Subsection (2)(b)(i); or
 - 1394 (C) Subsection (2)(f)(i)(A)(I).
- 1395 (ii) The repeal of a tax or a tax rate decrease applies to a billing period if the billing
1396 statement for the billing period is rendered on or after the effective date of the repeal of the tax
1397 or the tax rate decrease imposed under:
- 1398 (A) Subsection (2)(a)(i)(A);
 - 1399 (B) Subsection (2)(b)(i); or
 - 1400 (C) Subsection (2)(f)(i)(A)(I).
- 1401 (k) (i) For a tax rate described in Subsection (2)(k)(ii), if a tax due on a catalogue sale
1402 is computed on the basis of sales and use tax rates published in the catalogue, a tax rate repeal
1403 or change in a tax rate takes effect:
- 1404 (A) on the first day of a calendar quarter; and
 - 1405 (B) beginning 60 days after the effective date of the tax rate repeal or tax rate change.
- 1406 (ii) Subsection (2)(k)(i) applies to the tax rates described in the following:
- 1407 (A) Subsection (2)(a)(i)(A);
 - 1408 (B) Subsection (2)(b)(i); or
 - 1409 (C) Subsection (2)(f)(i)(A)(I).
- 1410 (iii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1411 the commission may by rule define the term "catalogue sale."
- 1412 (l) (i) For a location described in Subsection (2)(l)(ii), the commission shall determine
1413 the taxable status of a sale of gas, electricity, heat, coal, fuel oil, or other fuel based on the
1414 predominant use of the gas, electricity, heat, coal, fuel oil, or other fuel at the location.
- 1415 (ii) Subsection (2)(l)(i) applies to a location where gas, electricity, heat, coal, fuel oil,
1416 or other fuel is furnished through a single meter for two or more of the following uses:
- 1417 (A) a commercial use;
 - 1418 (B) an industrial use; or
 - 1419 (C) a residential use.
- 1420 (3) (a) The following state taxes shall be deposited into the General Fund:

- 1421 (i) the tax imposed by Subsection (2)(a)(i)(A);
- 1422 (ii) the tax imposed by Subsection (2)(b)(i); and
- 1423 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1424 (b) The following local taxes shall be distributed to a county, city, or town as provided
- 1425 in this chapter:
- 1426 (i) the tax imposed by Subsection (2)(a)(ii);
- 1427 (ii) the tax imposed by Subsection (2)(b)(ii);
- 1428 (iii) the tax imposed by Subsection (2)(c); and
- 1429 (iv) the tax imposed by Subsection (2)(f)(i)(B).
- 1430 (c) The state tax imposed by Subsection (2)(d) shall be deposited into the General
- 1431 Fund.
- 1432 (4) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
- 1433 2003, the lesser of the following amounts shall be expended as provided in Subsections (4)(b)
- 1434 through (g):
- 1435 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated:
- 1436 (A) by a 1/16% tax rate on the transactions described in Subsection (1); and
- 1437 (B) for the fiscal year; or
- 1438 (ii) \$17,500,000.
- 1439 (b) (i) For a fiscal year beginning on or after July 1, 2003, 14% of the amount
- 1440 described in Subsection (4)(a) shall be transferred each year as designated sales and use tax
- 1441 revenue to the Department of Natural Resources to:
- 1442 (A) implement the measures described in Subsections 79-2-303(3)(a) through (d) to
- 1443 protect sensitive plant and animal species; or
- 1444 (B) award grants, up to the amount authorized by the Legislature in an appropriations
- 1445 act, to political subdivisions of the state to implement the measures described in Subsections
- 1446 79-2-303(3)(a) through (d) to protect sensitive plant and animal species.
- 1447 (ii) Money transferred to the Department of Natural Resources under Subsection
- 1448 (4)(b)(i) may not be used to assist the United States Fish and Wildlife Service or any other
- 1449 person to list or attempt to have listed a species as threatened or endangered under the
- 1450 Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.
- 1451 (iii) At the end of each fiscal year:

1452 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
1453 Water Resources Conservation and Development Fund created in Section 73-10-24;

1454 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1455 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1456 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1457 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1458 (c) For a fiscal year beginning on or after July 1, 2003, 3% of the amount described in
1459 Subsection (4)(a) shall be deposited each year in the Agriculture Resource Development Fund
1460 created in Section 4-18-106.

1461 (d) (i) For a fiscal year beginning on or after July 1, 2003, 1% of the amount described
1462 in Subsection (4)(a) shall be transferred each year as designated sales and use tax revenue to
1463 the Division of Water Rights to cover the costs incurred in hiring legal and technical staff for
1464 the adjudication of water rights.

1465 (ii) At the end of each fiscal year:

1466 (A) 50% of any unexpended designated sales and use tax revenue shall lapse to the
1467 Water Resources Conservation and Development Fund created in Section 73-10-24;

1468 (B) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1469 Utah Wastewater Loan Program Subaccount created in Section 73-10c-5; and

1470 (C) 25% of any unexpended designated sales and use tax revenue shall lapse to the
1471 Drinking Water Loan Program Subaccount created in Section 73-10c-5.

1472 (e) (i) For a fiscal year beginning on or after July 1, 2003, 41% of the amount described
1473 in Subsection (4)(a) shall be deposited into the Water Resources Conservation and
1474 Development Fund created in Section 73-10-24 for use by the Division of Water Resources.

1475 (ii) In addition to the uses allowed of the Water Resources Conservation and
1476 Development Fund under Section 73-10-24, the Water Resources Conservation and
1477 Development Fund may also be used to:

1478 (A) conduct hydrologic and geotechnical investigations by the Division of Water
1479 Resources in a cooperative effort with other state, federal, or local entities, for the purpose of
1480 quantifying surface and ground water resources and describing the hydrologic systems of an
1481 area in sufficient detail so as to enable local and state resource managers to plan for and
1482 accommodate growth in water use without jeopardizing the resource;

1483 (B) fund state required dam safety improvements; and

1484 (C) protect the state's interest in interstate water compact allocations, including the
1485 hiring of technical and legal staff.

1486 (f) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1487 in Subsection (4)(a) shall be deposited into the Utah Wastewater Loan Program Subaccount
1488 created in Section 73-10c-5 for use by the Water Quality Board to fund wastewater projects.

1489 (g) For a fiscal year beginning on or after July 1, 2003, 20.5% of the amount described
1490 in Subsection (4)(a) shall be deposited into the Drinking Water Loan Program Subaccount
1491 created in Section 73-10c-5 for use by the Division of Drinking Water to:

1492 (i) provide for the installation and repair of collection, treatment, storage, and
1493 distribution facilities for any public water system, as defined in Section 19-4-102;

1494 (ii) develop underground sources of water, including springs and wells; and

1495 (iii) develop surface water sources.

1496 (5) (a) Notwithstanding Subsection (3)(a), for a fiscal year beginning on or after July 1,
1497 2006, the difference between the following amounts shall be expended as provided in this
1498 Subsection (5), if that difference is greater than \$1:

1499 (i) for taxes listed under Subsection (3)(a), the amount of tax revenue generated for the
1500 fiscal year by a 1/16% tax rate on the transactions described in Subsection (1); and

1501 (ii) \$17,500,000.

1502 (b) (i) The first \$500,000 of the difference described in Subsection (5)(a) shall be:

1503 (A) transferred each fiscal year to the Department of Natural Resources as designated
1504 sales and use tax revenue; and

1505 (B) expended by the Department of Natural Resources for watershed rehabilitation or
1506 restoration.

1507 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1508 tax revenue described in Subsection (5)(b)(i) shall lapse to the Water Resources Conservation
1509 and Development Fund created in Section 73-10-24.

1510 (c) (i) After making the transfer required by Subsection (5)(b)(i), \$150,000 of the
1511 remaining difference described in Subsection (5)(a) shall be:

1512 (A) transferred each fiscal year to the Division of Water Resources as designated sales
1513 and use tax revenue; and

1514 (B) expended by the Division of Water Resources for cloud-seeding projects
1515 authorized by Title 73, Chapter 15, Modification of Weather.

1516 (ii) At the end of each fiscal year, 100% of any unexpended designated sales and use
1517 tax revenue described in Subsection (5)(c)(i) shall lapse to the Water Resources Conservation
1518 and Development Fund created in Section 73-10-24.

1519 (d) After making the transfers required by Subsections (5)(b) and (c), 85% of the
1520 remaining difference described in Subsection (5)(a) shall be deposited into the Water
1521 Resources Conservation and Development Fund created in Section 73-10-24 for use by the
1522 Division of Water Resources for:

1523 (i) preconstruction costs:

1524 (A) as defined in Subsection 73-26-103(6) for projects authorized by Title 73, Chapter
1525 26, Bear River Development Act; and

1526 (B) as defined in Subsection 73-28-103(8) for the Lake Powell Pipeline project
1527 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act;

1528 (ii) the cost of employing a civil engineer to oversee any project authorized by Title 73,
1529 Chapter 26, Bear River Development Act;

1530 (iii) the cost of employing a civil engineer to oversee the Lake Powell Pipeline project
1531 authorized by Title 73, Chapter 28, Lake Powell Pipeline Development Act; and

1532 (iv) other uses authorized under Sections 73-10-24, 73-10-25.1, and 73-10-30, and
1533 Subsection (4)(e)(ii) after funding the uses specified in Subsections (5)(d)(i) through (iii).

1534 (e) After making the transfers required by Subsections (5)(b) and (c), 15% of the
1535 remaining difference described in Subsection (5)(a) shall be deposited each year into the Water
1536 Rights Restricted Account created by Section 73-2-1.6.

1537 (6) Notwithstanding Subsection (3)(a) and for taxes listed under Subsection (3)(a),
1538 each fiscal year, the commission shall deposit into the Water Infrastructure Restricted Account
1539 created in Section 73-10g-103 the amount of revenue generated by a 1/16% tax rate on the
1540 transactions described in Subsection (1) for the fiscal year.

1541 (7) (a) Notwithstanding Subsection (3)(a) and subject to Subsection (7)(b), for a fiscal
1542 year beginning on or after July 1, 2023, the commission shall deposit into the Transportation
1543 Investment Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under
1544 Subsection (3)(a) equal to 17% of the revenue collected from the following sales and use taxes:

- 1545 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
- 1546 (ii) the tax imposed by Subsection (2)(b)(i); and
- 1547 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).
- 1548 (b) (i) As used in this Subsection (7)(b):
- 1549 (A) "Additional growth revenue" means the amount of relevant revenue collected in
- 1550 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
- 1551 previous fiscal year.
- 1552 (B) "Combined amount" means the combined total amount of money deposited into the
- 1553 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.
- 1554 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation
- 1555 Investment Fund created in Subsection [72-2-124](#)(10).
- 1556 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
- 1557 equals 17% of the revenue collected from taxes described in Subsections (7)(a)(i) through (iii).
- 1558 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
- 1559 reduce the deposit under Subsection (7)(a) into the Transportation Investment Fund of 2005 by
- 1560 an amount equal to the amount of the deposit under this Subsection (7)(b) to the Cottonwood
- 1561 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
- 1562 limit in Subsection (7)(b)(iii).
- 1563 (iii) The commission shall annually deposit the amount described in Subsection
- 1564 (7)(b)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
- 1565 for any single fiscal year of \$20,000,000.
- 1566 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
- 1567 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
- 1568 Canyons fund under this Subsection (7)(b) in the same proportion as the decline in relevant
- 1569 revenue.
- 1570 (c) (i) Subject to Subsection (7)(c)(ii), for a fiscal year beginning on or after July 1,
- 1571 2023, the commission shall annually reduce the deposit into the Transportation Investment
- 1572 Fund of 2005 under Subsections (7)(a) and (7)(b) by an amount that is equal to 5% of:
- 1573 (A) the amount of revenue generated in the current fiscal year by the portion of taxes
- 1574 listed under Subsection (3)(a) that equals 20.68% of the revenue collected from taxes described
- 1575 in Subsections (7)(a)(i) through (iv);

1576 (B) the amount of revenue generated in the current fiscal year by registration fees
1577 designated under Section 41-1a-1201 to be deposited into the Transportation Investment Fund
1578 of 2005; and

1579 (C) revenues transferred by the Division of Finance to the Transportation Investment
1580 Fund of 2005 in accordance with Section 72-2-106 in the current fiscal year.

1581 (ii) The amount described in Subsection (7)(c)(i) may not exceed \$45,000,000 in a
1582 given fiscal year.

1583 (iii) The commission shall annually deposit the amount described in Subsection
1584 (7)(c)(i) into the Active Transportation Investment Fund created in Subsection 72-2-124(11).

1585 (8) (a) Notwithstanding Subsection (3)(a), in addition to the amounts deposited under
1586 Subsection (7), and subject to Subsections (8)(b) and (d)(ii), for a fiscal year beginning on or
1587 after July 1, 2018, the commission shall annually deposit into the Transportation Investment
1588 Fund of 2005 created by Section 72-2-124 a portion of the taxes listed under Subsection (3)(a)
1589 in an amount equal to 3.68% of the revenues collected from the following taxes:

1590 (i) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;

1591 (ii) the tax imposed by Subsection (2)(b)(i); and

1592 (iii) the tax imposed by Subsection (2)(f)(i)(A)(I).

1593 (b) For a fiscal year beginning on or after July 1, 2019, the commission shall annually
1594 reduce the deposit into the Transportation Investment Fund of 2005 under Subsection (8)(a) by
1595 an amount that is equal to 35% of the amount of revenue generated in the current fiscal year by
1596 the portion of the tax imposed on motor and special fuel that is sold, used, or received for sale
1597 or use in this state that exceeds 29.4 cents per gallon.

1598 (c) The commission shall annually deposit the amount described in Subsection (8)(b)
1599 into the Transit Transportation Investment Fund created in Section 72-2-124.

1600 (d) (i) As used in this Subsection (8)(d):

1601 (A) "Additional growth revenue" means the amount of relevant revenue collected in
1602 the current fiscal year that exceeds by more than 3% the relevant revenue collected in the
1603 previous fiscal year.

1604 (B) "Combined amount" means the combined total amount of money deposited into the
1605 Cottonwood Canyons fund under Subsections (7)(b)(iii) and (8)(d)(iii) in any single fiscal year.

1606 (C) "Cottonwood Canyons fund" means the Cottonwood Canyons Transportation

1607 Investment Fund created in Subsection [72-2-124](#)(10).

1608 (D) "Relevant revenue" means the portion of taxes listed under Subsection (3)(a) that
1609 equals 3.68% of the revenue collected from taxes described in Subsections (8)(a)(i) through
1610 (iii).

1611 (ii) For a fiscal year beginning on or after July 1, 2020, the commission shall annually
1612 reduce the deposit under Subsection (8)(a) into the Transportation Investment Fund of 2005 by
1613 an amount equal to the amount of the deposit under this Subsection (8)(d) to the Cottonwood
1614 Canyons fund in the previous fiscal year plus 25% of additional growth revenue, subject to the
1615 limit in Subsection (8)(d)(iii).

1616 (iii) The commission shall annually deposit the amount described in Subsection
1617 (8)(d)(ii) into the Cottonwood Canyons fund, subject to an annual maximum combined amount
1618 for any single fiscal year of \$20,000,000.

1619 (iv) If the amount of relevant revenue declines in a fiscal year compared to the previous
1620 fiscal year, the commission shall decrease the amount of the contribution to the Cottonwood
1621 Canyons fund under this Subsection (8)(d) in the same proportion as the decline in relevant
1622 revenue.

1623 (9) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year
1624 2009-10, \$533,750 shall be deposited into the Qualified Emergency Food Agencies Fund
1625 created by Section [35A-8-1009](#) and expended as provided in Section [35A-8-1009](#).

1626 (10) Notwithstanding Subsection (3)(a), beginning the second fiscal year after the
1627 fiscal year during which the commission receives notice under Section [63N-2-510](#) that
1628 construction on a qualified hotel, as defined in Section [63N-2-502](#), has begun, the commission
1629 shall, for two consecutive fiscal years, annually deposit \$1,900,000 of the revenue generated by
1630 the taxes listed under Subsection (3)(a) into the Hotel Impact Mitigation Fund, created in
1631 Section [63N-2-512](#).

1632 (11) (a) The rate specified in this subsection is 0.15%.

1633 (b) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1634 beginning on or after July 1, 2019, annually transfer the amount of revenue collected from the
1635 rate described in Subsection (11)(a) on the transactions that are subject to the sales and use tax
1636 under Subsection (2)(a)(i)(A) into the Medicaid Expansion Fund created in Section [26B-1-315](#).

1637 (12) Notwithstanding Subsection (3)(a), for each fiscal year beginning with fiscal year

1638 2020-21, the commission shall deposit \$200,000 into the General Fund as a dedicated credit
1639 solely for use of the Search and Rescue Financial Assistance Program created in, and expended
1640 in accordance with, Title 53, Chapter 2a, Part 11, Search and Rescue Act.

1641 ~~[(13) (a) For each fiscal year beginning with fiscal year 2020-21, the commission shall~~
1642 ~~annually transfer \$1,813,400 of the revenue deposited into the Transportation Investment Fund~~
1643 ~~of 2005 under Subsections (7) and (8) to the General Fund.]~~

1644 ~~[(b) If the total revenue deposited into the Transportation Investment Fund of 2005~~
1645 ~~under Subsections (7) and (8) is less than \$1,813,400 for a fiscal year, the commission shall~~
1646 ~~transfer the total revenue deposited into the Transportation Investment Fund of 2005 under~~
1647 ~~Subsections (7) and (8) during the fiscal year to the General Fund.]~~

1648 ~~[(14)]~~ (13) Notwithstanding Subsection (3)(a), and as described in Section 63N-3-610,
1649 beginning the first day of the calendar quarter one year after the sales and use tax boundary for
1650 a housing and transit reinvestment zone is established, the commission, at least annually, shall
1651 transfer an amount equal to 15% of the sales and use tax increment within an established sales
1652 and use tax boundary, as defined in Section 63N-3-602, into the Transit Transportation
1653 Investment Fund created in Section 72-2-124.

1654 ~~[(15)]~~ (14) Notwithstanding Subsection (3)(a), the commission shall, for a fiscal year
1655 beginning on or after July 1, 2022, transfer into the Outdoor Adventure Infrastructure
1656 Restricted Account, created in Section 51-9-902, a portion of the taxes listed under Subsection
1657 (3)(a) equal to 1% of the revenues collected from the following sales and use taxes:

- 1658 (a) the tax imposed by Subsection (2)(a)(i)(A) at a 4.7% rate;
1659 (b) the tax imposed by Subsection (2)(b)(i); and
1660 (c) the tax imposed by Subsection (2)(f)(i)(A)(I).

1661 Section 13. Section 59-13-103 is amended to read:

1662 **59-13-103. List of clean fuels provided to tax commission .**

1663 ~~[(1)]~~ The Air Quality Board shall annually provide to the tax commission a list of fuels
1664 that are clean fuels under Section 59-13-102.

1665 ~~[(2) The Air Quality Board appointed under Section 19-2-103 shall in conjunction with~~
1666 ~~the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a~~
1667 ~~report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions~~
1668 ~~of Sections 59-13-201 and 59-13-301.]~~

1669 Section 14. Section **72-1-201** is amended to read:

1670 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,**
1671 **rights, and responsibilities.**

1672 (1) There is created the Department of Transportation which shall:

1673 (a) have the general responsibility for planning, research, design, construction,
1674 maintenance, security, and safety of state transportation systems;

1675 (b) provide administration for state transportation systems and programs;

1676 (c) implement the transportation policies of the state;

1677 (d) plan, develop, construct, and maintain state transportation systems that are safe,
1678 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
1679 industry;

1680 (e) establish standards and procedures regarding the technical details of administration
1681 of the state transportation systems as established by statute and administrative rule;

1682 (f) advise the governor and the Legislature about state transportation systems needs;

1683 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
1684 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
1685 rights-of-way;

1686 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1687 make rules for the administration of the department, state transportation systems, and
1688 programs;

1689 (i) jointly with the commission annually report to the Transportation Interim
1690 Committee, by November 30 of each year, as to the operation, maintenance, condition,
1691 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

1692 (j) ensure that any training or certification required of a public official or public
1693 employee, as those terms are defined in Section [63G-22-102](#), complies with Title 63G, Chapter
1694 22, State Training and Certification Requirements, if the training or certification is required:

1695 (i) under this title;

1696 (ii) by the department; or

1697 (iii) by an agency or division within the department;

1698 (k) study and make recommendations to the Legislature on potential managed lane use
1699 and implementation on selected transportation systems within the state; [~~and~~]

1700 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division
1701 created in Section 53-8-103 regarding:

1702 (i) future highway projects that will add additional capacity to the state transportation
1703 system;

1704 (ii) potential changes in law enforcement responsibilities due to future highway
1705 projects; and

1706 (iii) incident management services on state highways[-]; and

1707 (m) provide public transit services, in consultation with any relevant public transit
1708 provider.

1709 (2) (a) The department shall exercise reasonable care in designing, constructing, and
1710 maintaining a state highway in a reasonably safe condition for travel.

1711 (b) Nothing in this section shall be construed as:

1712 (i) creating a private right of action; or

1713 (ii) expanding or changing the department's common law duty as described in
1714 Subsection (2)(a) for liability purposes.

1715 Section 15. Section 72-1-203 is amended to read:

1716 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
1717 **and advisers -- Salaries.**

1718 (1) The executive director shall appoint the following deputy directors, who shall serve
1719 at the discretion of the executive director:

1720 (a) the deputy director of engineering and operation, who shall be a registered
1721 professional engineer in the state, and who shall be the chief engineer of the department; and

1722 (b) the deputy director of planning and investment.

1723 (2) As assigned by the executive director, the deputy directors described in Subsection
1724 (1) may assist the executive director with the following departmental responsibilities:

1725 (a) project development, including statewide standards for project design and
1726 construction, right-of-way, materials, testing, structures, and construction;

1727 (b) oversight of the management of the region offices described in Section 72-1-205;

1728 (c) operations and traffic management;

1729 (d) oversight of operations of motor carriers and ports;

1730 (e) transportation systems safety;

- 1731 (f) aeronautical operations;
- 1732 (g) equipment for department engineering and maintenance functions;
- 1733 (h) oversight and coordination of planning, including:
- 1734 (i) development of statewide strategic initiatives for planning across all modes of
- 1735 transportation;
- 1736 (ii) coordination with metropolitan planning organizations and local governments;
- 1737 (iii) coordination with a large public transit district, including planning, project
- 1738 development, outreach, programming, environmental studies and impact statements,
- 1739 construction, and impacts on public transit operations; and
- 1740 (iv) corridor and area planning;
- 1741 (i) asset management;
- 1742 (j) programming and prioritization of transportation projects;
- 1743 (k) fulfilling requirements for environmental studies and impact statements;
- 1744 (l) resource investment, including identification, development, and oversight of
- 1745 public-private partnership opportunities;
- 1746 (m) data analytics services to the department;
- 1747 (n) corridor preservation;
- 1748 (o) employee development;
- 1749 (p) maintenance planning;
- 1750 (q) oversight and facilitation of the negotiations and integration of public transit
- 1751 providers described in Section [17B-2a-827](#);
- 1752 (r) oversight and supervision of any fixed guideway capital development project within
- 1753 the boundaries of a large public transit district for which any state funds are expended,
- 1754 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the
- 1755 implementation and enforcement of any federal grant obligations associated with fixed
- 1756 guideway capital development project funding; and
- 1757 (s) other departmental responsibilities as determined by the executive director.
- 1758 (3) The executive director shall ensure that the same deputy director does not oversee
- 1759 or supervise both the fixed guideway capital development responsibilities described in
- 1760 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the
- 1761 responsibilities described in Section [72-1-214](#).

1762 Section 16. Section **72-1-216** is amended to read:

1763 **72-1-216. Statewide electric vehicle charging network plan -- Report.**

1764 (1) (a) The department, in consultation with relevant entities in the private sector, shall
1765 develop a statewide electric vehicle charging network plan.

1766 (b) To develop the statewide electric vehicle charging network plan, the department
1767 shall consult with political subdivisions and other relevant state agencies, divisions, and
1768 entities, including:

1769 (i) the Department of Environmental Quality created in Section [19-1-104](#);

1770 (ii) the Division of Facilities Construction and Management created in Section
1771 [63A-5b-301](#);

1772 (iii) the Office of Energy Development created in Section [79-6-401](#); and

1773 (iv) the Department of Natural Resources created in Section [79-2-201](#).

1774 (2) The statewide electric vehicle charging network plan shall provide implementation
1775 strategies to ensure that electric vehicle charging stations are available:

1776 (a) at strategic locations as determined by the department [~~by June 30, 2021~~];

1777 (b) at incremental distances no greater than every 50 miles along the state's interstate
1778 highway system by December 31, 2025; and

1779 (c) along other major highways within the state as the department finds appropriate.

1780 [~~(3) The department shall provide a report before November 30, 2020, to the
1781 Transportation Interim Committee to outline the statewide electric vehicle charging network
1782 plan.~~]

1783 Section 17. Section **72-1-304** is amended to read:

1784 **72-1-304. Written project prioritization process for new transportation capacity
1785 projects -- Rulemaking.**

1786 (1) (a) The Transportation Commission, in consultation with the department and the
1787 metropolitan planning organizations as defined in Section [72-1-208.5](#), shall develop a written
1788 prioritization process for the prioritization of:

1789 (i) new transportation capacity projects that are or will be part of the state highway
1790 system under Chapter 4, Part 1, State Highways;

1791 (ii) paved pedestrian or paved nonmotorized transportation projects described in
1792 Section [72-2-124](#);

1793 (iii) public transit projects that directly add capacity to the public transit systems within
1794 the state, not including facilities ancillary to the public transit system; and

1795 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
1796 public transit system.

1797 (b) (i) A local government or public transit district may nominate a project for
1798 prioritization in accordance with the process established by the commission in rule.

1799 (ii) If a local government or public transit district nominates a project for prioritization
1800 by the commission, the local government or public transit district shall provide data and
1801 evidence to show that:

1802 (A) the project will advance the purposes and goals described in Section 72-1-211;

1803 (B) for a public transit project, the local government or public transit district has an
1804 ongoing funding source for operations and maintenance of the proposed development; and

1805 (C) the local government or public transit district will provide the percentage of the
1806 costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1807 (2) The following shall be included in the written prioritization process under
1808 Subsection (1):

1809 (a) a description of how the strategic initiatives of the department adopted under
1810 Section 72-1-211 are advanced by the written prioritization process;

1811 (b) a definition of the type of projects to which the written prioritization process
1812 applies;

1813 (c) specification of a weighted criteria system that is used to rank proposed projects
1814 and how it will be used to determine which projects will be prioritized;

1815 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1816 (e) any other provisions the commission considers appropriate, which may include
1817 consideration of:

1818 (i) regional and statewide economic development impacts, including improved local
1819 access to:

1820 (A) employment;

1821 (B) educational facilities;

1822 (C) recreation;

1823 (D) commerce; and

1824 (E) residential areas, including moderate income housing as demonstrated in the local
1825 government's or public transit district's general plan pursuant to Section 10-9a-403 or
1826 17-27a-403;

1827 (ii) the extent to which local land use plans relevant to a project support and
1828 accomplish the strategic initiatives adopted under Section 72-1-211; and

1829 (iii) any matching funds provided by a political subdivision or public transit district in
1830 addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and
1831 72-2-124(9)(e).

1832 (3) (a) When prioritizing a public transit project that increases capacity, the
1833 commission:

1834 (i) may give priority consideration to projects that are part of a transit-oriented
1835 development or transit-supportive development as defined in Section 17B-2a-802; and

1836 (ii) shall give priority consideration to projects that are within the boundaries of a
1837 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,
1838 Housing and Transit Reinvestment Zone Act.

1839 (b) When prioritizing a transportation project that increases capacity, the commission
1840 may give priority consideration to projects that are:

1841 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1842 (A) the state is a participant in the transportation reinvestment zone; or

1843 (B) the commission finds that the transportation reinvestment zone provides a benefit
1844 to the state transportation system; or

1845 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
1846 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1847 (c) If the department receives a notice of prioritization for a municipality as described
1848 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
1849 17-27a-408(5), the commission may give priority consideration to transportation projects that
1850 are within the boundaries of the municipality or the unincorporated areas of the county until the
1851 department receives notification from the Housing and Community Development Division
1852 within the Department of Workforce Services that the municipality or county no longer
1853 qualifies for prioritization under this Subsection (3)(c).

1854 (4) In developing the written prioritization process, the commission:

1855 (a) shall seek and consider public comment by holding public meetings at locations
1856 throughout the state; and

1857 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1858 the state provides an equal opportunity to raise local matching dollars for state highway
1859 improvements within each county.

1860 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1861 Transportation Commission, in consultation with the department, shall make rules establishing
1862 the written prioritization process under Subsection (1).

1863 (6) The commission shall submit the proposed rules under this section to a committee
1864 or task force designated by the Legislative Management Committee for review prior to taking
1865 final action on the proposed rules or any proposed amendment to the rules described in
1866 Subsection (5).

1867 Section 18. Section 72-2-124 is amended to read:

1868 **72-2-124. Transportation Investment Fund of 2005.**

1869 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1870 of 2005.

1871 (2) The fund consists of money generated from the following sources:

1872 (a) any voluntary contributions received for the maintenance, construction,
1873 reconstruction, or renovation of state and federal highways;

1874 (b) appropriations made to the fund by the Legislature;

1875 (c) registration fees designated under Section 41-1a-1201;

1876 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1877 59-12-103; and

1878 (e) revenues transferred to the fund in accordance with Section 72-2-106.

1879 (3) (a) The fund shall earn interest.

1880 (b) All interest earned on fund money shall be deposited into the fund.

1881 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
1882 fund money to pay:

1883 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
1884 federal highways prioritized by the Transportation Commission through the prioritization
1885 process for new transportation capacity projects adopted under Section 72-1-304;

1886 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
1887 projects described in Subsections 63B-18-401(2), (3), and (4);

1888 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
1889 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
1890 with Subsection 72-2-121(4)(e);

1891 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
1892 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
1893 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
1894 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;

1895 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
1896 for projects prioritized in accordance with Section 72-2-125;

1897 (vi) all highway general obligation bonds that are intended to be paid from revenues in
1898 the Centennial Highway Fund created by Section 72-2-118;

1899 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
1900 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
1901 in Section 72-2-121;

1902 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
1903 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
1904 nonmotorized transportation for projects that:

1905 (A) mitigate traffic congestion on the state highway system;

1906 (B) are part of an active transportation plan approved by the department; and

1907 (C) are prioritized by the commission through the prioritization process for new
1908 transportation capacity projects adopted under Section 72-1-304;

1909 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
1910 reconstruction, or renovation of or improvement to the following projects:

1911 (A) the connector road between Main Street and 1600 North in the city of Vineyard;

1912 (B) Geneva Road from University Parkway to 1800 South;

1913 (C) the SR-97 interchange at 5600 South on I-15;

1914 (D) two lanes on U-111 from Herriman Parkway to 11800 South;

1915 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;

1916 (F) improvements to 1600 North in Orem from 1200 West to State Street;

- 1917 (G) widening I-15 between mileposts 6 and 8;
- 1918 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
- 1919 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
- 1920 Spanish Fork Canyon;
- 1921 (J) I-15 northbound between mileposts 43 and 56;
- 1922 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
- 1923 and 45.1;
- 1924 (L) east Zion SR-9 improvements;
- 1925 (M) Toquerville Parkway;
- 1926 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
- 1927 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
- 1928 construction of an interchange on Bangerter Highway at 13400 South; and
- 1929 (P) an environmental impact study for Kimball Junction in Summit County; and
- 1930 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
- 1931 costs based upon a statement of cash flow that the local jurisdiction where the project is located
- 1932 provides to the department demonstrating the need for money for the project, for the following
- 1933 projects in the following amounts:
- 1934 (A) \$5,000,000 for Payson Main Street repair and replacement;
- 1935 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
- 1936 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
- 1937 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
- 1938 between mile markers 7 and 10.
- 1939 (b) The executive director may use fund money to exchange for an equal or greater
- 1940 amount of federal transportation funds to be used as provided in Subsection (4)(a).
- 1941 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
- 1942 ineligibility for a municipality as described in Subsection [10-9a-408\(7\)](#), the executive director
- 1943 may not program fund money to a project prioritized by the commission under Section
- 1944 [72-1-304](#), including fund money from the Transit Transportation Investment Fund, within the
- 1945 boundaries of the municipality until the department receives notification from the Housing and
- 1946 Community Development Division within the Department of Workforce Services that
- 1947 ineligibility under this Subsection (5) no longer applies to the municipality.

1948 (b) Within the boundaries of a municipality described in Subsection (5)(a), the
1949 executive director:

1950 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
1951 facility or interchange connecting limited-access facilities;

1952 (ii) may not program fund money for the construction, reconstruction, or renovation of
1953 an interchange on a limited-access facility;

1954 (iii) may program Transit Transportation Investment Fund money for a
1955 multi-community fixed guideway public transportation project; and

1956 (iv) may not program Transit Transportation Investment Fund money for the
1957 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1958 transportation project.

1959 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1960 director before July 1, 2022, for projects prioritized by the commission under Section
1961 [72-1-304](#).

1962 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
1963 ineligibility for a county as described in Subsection [17-27a-408\(7\)](#), the executive director may
1964 not program fund money to a project prioritized by the commission under Section [72-1-304](#),
1965 including fund money from the Transit Transportation Investment Fund, within the boundaries
1966 of the unincorporated area of the county until the department receives notification from the
1967 Housing and Community Development Division within the Department of Workforce Services
1968 that ineligibility under this Subsection (6) no longer applies to the county.

1969 (b) Within the boundaries of the unincorporated area of a county described in
1970 Subsection (6)(a), the executive director:

1971 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
1972 facility to a project prioritized by the commission under Section [72-1-304](#);

1973 (ii) may not program fund money for the construction, reconstruction, or renovation of
1974 an interchange on a limited-access facility;

1975 (iii) may program Transit Transportation Investment Fund money for a
1976 multi-community fixed guideway public transportation project; and

1977 (iv) may not program Transit Transportation Investment Fund money for the
1978 construction, reconstruction, or renovation of a station that is part of a fixed guideway public

1979 transportation project.

1980 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
1981 director before July 1, 2022, for projects prioritized by the commission under Section
1982 [72-1-304](#).

1983 (7) (a) Before bonds authorized by Section [63B-18-401](#) or [63B-27-101](#) may be issued
1984 in any fiscal year, the department and the commission shall appear before the Executive
1985 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1986 department needs to provide funding for the projects identified in Subsections [63B-18-401](#)(2),
1987 (3), and (4) or Subsection [63B-27-101](#)(2) for the current or next fiscal year.

1988 (b) The Executive Appropriations Committee of the Legislature shall review and
1989 comment on the amount of bond proceeds needed to fund the projects.

1990 (8) The Division of Finance shall, from money deposited into the fund, transfer the
1991 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1992 Section [63B-18-401](#) or [63B-27-101](#) in the current fiscal year to the appropriate debt service or
1993 sinking fund.

1994 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1995 Transportation Investment Fund.

1996 (b) The fund shall be funded by:

1997 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);

1998 (ii) appropriations into the account by the Legislature;

1999 (iii) deposits of sales and use tax increment related to a housing and transit
2000 reinvestment zone as described in Section [63N-3-610](#);

2001 (iv) transfers of local option sales and use tax revenue as described in Subsection
2002 [59-12-2220](#)(11)(b) or (c);

2003 (v) private contributions; and

2004 (vi) donations or grants from public or private entities.

2005 (c) (i) The fund shall earn interest.

2006 (ii) All interest earned on fund money shall be deposited into the fund.

2007 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:

2008 (i) for public transit capital development of new capacity projects and fixed guideway
2009 capital development projects to be used as prioritized by the commission through the

2010 prioritization process adopted under Section 72-1-304; [or]

2011 (ii) to the department for oversight of a fixed guideway capital development project for
2012 which the department has responsibility[-]; or

2013 (iii) up to \$500,000 per year, to be used for a public transit study.

2014 (e) (i) Subject to Subsections [~~(9)(g) and (h)~~] (9)(g), (h), and (i), the commission may
2015 only prioritize money from the fund for a public transit capital development project or
2016 pedestrian or nonmotorized transportation project that provides connection to the public transit
2017 system if the public transit district or political subdivision provides funds of equal to or greater
2018 than 30% of the costs needed for the project.

2019 (ii) A public transit district or political subdivision may use money derived from a loan
2020 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
2021 part of the 30% requirement described in Subsection (9)(e)(i) if:

2022 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
2023 State Infrastructure Bank Fund; and

2024 (B) the proposed capital project has been prioritized by the commission pursuant to
2025 Section 72-1-303.

2026 (f) Before July 1, 2022, the department and a large public transit district shall enter into
2027 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15
2028 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and
2029 trainsets for regional public transit rail systems.

2030 (g) For any revenue transferred into the fund pursuant to Subsection
2031 59-12-2220(11)(b):

2032 (i) the commission may prioritize money from the fund for public transit projects,
2033 operations, or maintenance within the county of the first class; and

2034 (ii) Subsection (9)(e) does not apply.

2035 (h) For any revenue transferred into the fund pursuant to Subsection
2036 59-12-2220(11)(c):

2037 (i) the commission may prioritize public transit projects, operations, or maintenance in
2038 the county from which the revenue was generated; and

2039 (ii) Subsection (9)(e) does not apply.

2040 (i) The requirement to provide funds equal to or greater than 30% of the costs needed

2041 for a project described in Subsection (9)(e) does not apply to a public transit capital
2042 development project or pedestrian or nonmotorized transportation project for which the
2043 department has oversight or supervision responsibilities.

2044 (10) (a) There is created in the Transportation Investment Fund of 2005 the
2045 Cottonwood Canyons Transportation Investment Fund.

2046 (b) The fund shall be funded by:

2047 (i) money deposited into the fund in accordance with Section 59-12-103;

2048 (ii) appropriations into the account by the Legislature;

2049 (iii) private contributions; and

2050 (iv) donations or grants from public or private entities.

2051 (c) (i) The fund shall earn interest.

2052 (ii) All interest earned on fund money shall be deposited into the fund.

2053 (d) The Legislature may appropriate money from the fund for public transit or
2054 transportation projects in the Cottonwood Canyons of Salt Lake County.

2055 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active
2056 Transportation Investment Fund.

2057 (b) The fund shall be funded by:

2058 (i) money deposited into the fund in accordance with Section 59-12-103;

2059 (ii) appropriations into the account by the Legislature; and

2060 (iii) donations or grants from public or private entities.

2061 (c) (i) The fund shall earn interest.

2062 (ii) All interest earned on fund money shall be deposited into the fund.

2063 (d) The executive director may only use fund money to pay the costs needed for:

2064 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
2065 paved pedestrian or paved nonmotorized trail projects that:

2066 (A) are prioritized by the commission through the prioritization process for new
2067 transportation capacity projects adopted under Section 72-1-304;

2068 (B) serve a regional purpose; and

2069 (C) are part of an active transportation plan approved by the department or the plan
2070 described in Subsection (11)(d)(ii);

2071 (ii) the development of a plan for a statewide network of paved pedestrian or paved

2072 nonmotorized trails that serve a regional purpose; and

2073 (iii) the administration of the fund, including staff and overhead costs.

2074 Section 19. Section **72-3-202** is amended to read:

2075 **72-3-202. State park access highways -- Anasazi State Park Museum to Edge of**
2076 **the Cedars State Park Museum.**

2077 State park access highways include:

2078 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum
2079 is at the park entrance located in Garfield County at milepoint [~~87.8~~] 87.3 on State Highway
2080 12. No access road is defined.

2081 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the
2082 pay gate located in Rich County at milepoint [~~413.2~~] 498.8 on State Highway 89. No access
2083 road is defined.

2084 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore
2085 begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a
2086 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich
2087 County.

2088 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake
2089 Rendezvous Beach is at the park entrance in Rich County at milepoint [~~124.5~~] 118 on State
2090 Highway 30. No access road is defined.

2091 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the
2092 Camp Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at
2093 milepoint 20.6 on State Highway 73. No access road is defined.

2094 (6) CORAL PINK SAND DUNES STATE PARK.

2095 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State
2096 Highway 89 and proceeds southwesterly on [a] county road 43 a distance of 12.0 miles to the
2097 visitor center of the park and is under the jurisdiction of Kane County.

2098 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state
2099 border between Arizona and Utah and proceeds northerly on county road 43 and travels
2100 through the state park and is under the jurisdiction of Kane County.

2101 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is
2102 defined.

2103 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park
 2104 begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway
 2105 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction of~~
 2106 ~~UDOT~~], crosses into San Juan County between mile marker 2 and 3, continues to mile marker
 2107 0, and is under the jurisdiction of the department.

2108 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in
 2109 Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a
 2110 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [~~UDOT~~]
 2111 the department.

2112 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in
 2113 Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a
 2114 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [~~UDOT~~] the
 2115 department.

2116 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit
 2117 County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles
 2118 to the boat ramp at the park.

2119 [~~(H)~~] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of
 2120 the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on
 2121 Center Street to 600 West then north on 600 West to the parking area and museum at 660 West
 2122 400 North. The access road is under the jurisdiction of Blanding.

2123 Section 20. Section **72-3-203** is amended to read:

2124 **72-3-203. State park access highways -- Escalante Petrified Forest State Park to**
 2125 **Huntington State Park.**

2126 State park access highways include:

2127 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante
 2128 Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds
 2129 northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the
 2130 jurisdiction of Garfield County.

2131 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State
 2132 Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on
 2133 Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah

2134 County.

2135 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian
2136 State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and
2137 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9
2138 miles and is under the jurisdiction of Sevier County.

2139 ~~[(4) GOBLIN VALLEY STATE PARK (East Access). The East Access to the Goblin
2140 Valley State Park begins in Emery County at the junction of State Highway 24 and county road
2141 1012 and proceeds westerly on county road 1012, a distance of 5.2 miles; then southerly on
2142 county road 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4
2143 miles to the park entrance. The East Access is under the jurisdiction of Emery County.]~~

2144 [(5)] (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the
2145 Goblin Valley State Park begins in Emery County at the junction of [~~Interstate 70 and county
2146 road 332~~] county road 1013 and county road 1014 and proceeds southwesterly on county road
2147 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then
2148 southeasterly on county road 1012, a distance of [~~10.6 miles; then southerly on county road
2149 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4 miles to the
2150 park entrance.~~] 7.0 miles to the park fee station. The North Access is under the jurisdiction of
2151 Emery County.

2152 [(6)] (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in
2153 San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a
2154 distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction
2155 of UDOT.

2156 [(7)] (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park
2157 begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a
2158 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of
2159 Davis County.

2160 [(8)] (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt
2161 Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds
2162 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the
2163 park and is under the jurisdiction of Salt Lake County.

2164 [(9)] (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in

2165 Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly
 2166 on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the
 2167 jurisdiction of Green River.

2168 ~~[(+)]~~ (9) GUNLOCK STATE PARK. Access to ~~[the]~~ Gunlock State Park begins in
 2169 Washington County at the junction of county road (L009) ~~[and a county road]~~ (Old Highway
 2170 91) and Gunlock Road and proceeds northwesterly on ~~[a county road]~~ Gunlock Road a distance
 2171 of ~~[0.+] 5.9~~ miles to the parking area at the park and is under the jurisdiction of Washington
 2172 County.

2173 ~~[(+)]~~ (10) HUNTINGTON STATE PARK. Access to ~~[the]~~ Huntington State Park
 2174 begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a
 2175 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

2176 Section 21. Section **72-3-204** is amended to read:

2177 **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**

2178 State park access highways include:

2179 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache
 2180 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway
 2181 101. No access road is defined.

2182 (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier
 2183 Homestead State Park Museum is at the parking area and museum in Iron County at milepoint
 2184 ~~[3.3]~~ 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is
 2185 defined.

2186 (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC
 2187 SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56,
 2188 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old
 2189 Iron Town and is under the jurisdiction of Iron County.

2190 (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan
 2191 River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds
 2192 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the
 2193 jurisdiction of Salt Lake County.

2194 (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the
 2195 Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and

2196 proceeds southeasterly on State Highway 319 a distance of [1.4] 1.2 miles to the marina
2197 parking area at the park and is under the jurisdiction of UDOT.

2198 (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to
2199 the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway
2200 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at
2201 the park and is under the jurisdiction of the county.

2202 (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park
2203 Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a
2204 county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction
2205 of the county.

2206 (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State
2207 Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road
2208 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane
2209 County.

2210 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery
2211 County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of
2212 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

2213 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the
2214 pay gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access road
2215 is defined.

2216 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba
2217 East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county
2218 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the
2219 jurisdiction of Sanpete County.

2220 Section 22. Section **72-3-205** is amended to read:

2221 **72-3-205. State park access highways -- Palisade State Park to Starvation State**
2222 **Park.**

2223 State park access highways include:

2224 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete
2225 County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2
2226 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete

2227 County.

2228 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at
2229 State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the
2230 parking area at the park and is under the jurisdiction of Piute County.

2231 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail
2232 Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300
2233 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is
2234 under the jurisdiction of Hurricane City.

2235 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail
2236 Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on
2237 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The
2238 South Access is under the jurisdiction of UDOT.

2239 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah
2240 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to
2241 the pay gate at the park and is under the jurisdiction of Uintah County.

2242 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit
2243 County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of
2244 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

2245 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand
2246 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand
2247 Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the
2248 jurisdiction of Hurricane City.

2249 ~~[(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand
2250 Hollow State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a
2251 distance of 1.7 miles; then proceeds southwesterly on Sand Hollow Road, a distance of 5.3
2252 miles to Sand Hollow Parkway. The East Access is under the jurisdiction of Hurricane City.]~~

2253 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand
2254 Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then
2255 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road.
2256 The South Access is under the jurisdiction of Hurricane City.

2257 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat

2258 launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

2259 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park
2260 Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.
2261 No access road is defined.

2262 [~~(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park~~
2263 ~~begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds~~
2264 ~~northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of the~~
2265 ~~Snow Canyon State Park.]~~

2266 (11) SNOW CANYON STATE PARK.

2267 (a) South access to the Snow Canyon State Park begins in Washington County at State
2268 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway
2269 and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at
2270 the northern boundary of the Vermillion Cliffs development).

2271 (b) The northern access is located at the intersection of State Route 18 and Snow
2272 Canyon Drive.

2273 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in
2274 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a
2275 distance of [~~2.2~~] 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2276 Section 23. Section **72-3-206** is amended to read:

2277 **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

2278 State park access highways include:

2279 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah
2280 County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of
2281 [~~1.7~~] 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

2282 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial
2283 Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State
2284 Highway 100. No access road is defined.

2285 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage
2286 Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake
2287 City. No access road is defined.

2288 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah

2289 Field House of Natural History State Park is at the parking area in Uintah County at milepoint
2290 [~~145.8~~] 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.

2291 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah
2292 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to
2293 the pay gate at the park and is under the jurisdiction of Utah County.

2294 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the
2295 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds
2296 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on
2297 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
2298 East Access is under the jurisdiction of Wasatch County.

2299 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to
2300 the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds
2301 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city
2302 roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a
2303 distance of [~~1.1~~] 1.3 miles to the campground entrance. The South Access is under the
2304 jurisdiction of Wasatch County and Midway City.

2305 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the
2306 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds
2307 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on
2308 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
2309 West Access is under the jurisdiction of Wasatch County.

2310 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in
2311 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then
2312 southwesterly on Soldier Hollow Lane to the parking area and clubhouse.

2313 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins
2314 in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and
2315 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the
2316 parking area. The access is under the jurisdiction of Wasatch County.

2317 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park
2318 South begins in Box Elder County at a county road and proceeds northwesterly on State
2319 Highway 312 a distance of [~~0.2~~] 0.5 miles to the marina parking at the park and is under the

2320 jurisdiction of UDOT.

2321 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park
2322 North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on
2323 State Highway 315 a distance of [~~0.6~~] 1.0 miles to the marina parking at the park and is under
2324 the jurisdiction of UDOT.

2325 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at
2326 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to
2327 the pay gate at the park and is under the jurisdiction of Juab County.

2328 Section 24. Section **72-5-104** is amended to read:

2329 **72-5-104. Public use constituting dedication -- Scope.**

2330 (1) As used in this section, "highway," "street," or "road" does not include an area
2331 principally used as a parking lot.

2332 (2) A highway is dedicated and abandoned to the use of the public when it has been
2333 continuously used as a public thoroughfare for a period of 10 years.

2334 (3) The requirement of continuous use under Subsection (2) is satisfied if the use is as
2335 frequent as the public finds convenient or necessary and may be seasonal or follow some other
2336 pattern.

2337 (4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:

2338 (a) the person or entity interrupting the continuous use gives not less than 72 hours
2339 advance written notice of the interruption to the highway authority having jurisdiction of the
2340 highway, street, or road;

2341 (b) the property owner undertakes an overt act which is intended to interrupt the use of
2342 the highway, street, or road as a public thoroughfare; and

2343 (c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the
2344 regularly established pattern and frequency of public use for the given highway, street, or road
2345 for a period of no less than 24 hours.

2346 (5) Installation of gates and posting of no trespassing signs are relevant forms of
2347 evidence but are not solely determinative of whether an interruption under Subsection (4) has
2348 occurred.

2349 (6) A property owner's interruption under Subsection (4) of a highway, street, or road
2350 where the requirement of continuous use under Subsection (2) is not satisfied restarts the

2351 running of the 10-year period of continuous use required for dedication under Subsection (2).

2352 (7) (a) The burden of proving dedication under Subsection (2) is on the party asserting
2353 the dedication.

2354 (b) The burden of proving interruption under Subsection (4) is on the party asserting
2355 the interruption.

2356 (8) (a) The dedication and abandonment creates a right-of-way held by the state or a
2357 local highway authority in accordance with Sections [72-3-102](#), [72-3-103](#), [72-3-104](#), [72-3-105](#),
2358 and [72-5-103](#).

2359 (b) A property owner's interruption under Subsection (4) of a right-of-way claimed by
2360 the state or local highway authority in accordance with Subsection (8)(a) or R.S. 2477 has no
2361 effect on the validity of the state's or local highway authority's claim to the right-of-way and
2362 does not return the right-of-way to the property owner.

2363 (9) The scope of a right-of-way described in Subsection (8)(a) is that which is
2364 reasonable and necessary to ensure safe travel according to the facts and circumstances.

2365 (10) The provisions of this section apply to any claim under this section for which a
2366 court of competent jurisdiction has not issued a final unappealable judgment or order.

2367 (11) (a) Before a person may file an action in district court to determine or challenge
2368 whether a highway, street, or road has been dedicated to the public as described in this section,
2369 the person shall first provide 30-day written notice to the relevant highway authority.

2370 (b) In an action described in Subsection (11)(a), the person shall name as a defendant
2371 the highway authority that would have jurisdiction over the highway, street, or road.

2372 Section 25. Section **72-6-118** is amended to read:

2373 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**
2374 **and collection of tolls -- Amount of tolls -- Rulemaking.**

2375 (1) As used in this section:

2376 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
2377 Section [41-6a-702](#) that may be used by an operator of a vehicle carrying less than the number
2378 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
2379 toll or fee.

2380 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

2381 (c) "Toll lane" means a designated new highway or additional lane capacity that is

2382 constructed, operated, or maintained for which a toll is charged for its use.

2383 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
2384 designed and used as a transportation route that is constructed, operated, or maintained through
2385 the use of toll revenues.

2386 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

2387 (e) "Tollway development agreement" has the same meaning as defined in Section
2388 [72-6-202](#).

2389 (2) Subject to the provisions of Subsection (3), the department may:

2390 (a) establish, expand, and operate tollways and related facilities for the purpose of
2391 funding in whole or in part the acquisition of right-of-way and the design, construction,
2392 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation
2393 route for use by the public;

2394 (b) enter into contracts, agreements, licenses, franchises, tollway development
2395 agreements, or other arrangements to implement this section;

2396 (c) impose and collect tolls on any tollway established under this section, including
2397 collection of past due payment of a toll or penalty;

2398 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
2399 pursuant to the terms and conditions of a tollway development agreement;

2400 (e) use technology to automatically monitor a tollway and collect payment of a toll,
2401 including:

2402 (i) license plate reading technology; and

2403 (ii) photographic or video recording technology; and

2404 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny
2405 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll
2406 or penalty imposed for usage of a tollway involving the motor vehicle for which registration
2407 renewal has been requested.

2408 (3) (a) The department may establish or operate a tollway on an existing highway if
2409 approved by the commission in accordance with the terms of this section.

2410 (b) To establish a tollway on an existing highway, the department shall submit a
2411 proposal to the commission including:

2412 (i) a description of the tollway project;

- 2413 (ii) projected traffic on the tollway;
- 2414 (iii) the anticipated amount of the toll to be charged; and
- 2415 (iv) projected toll revenue.
- 2416 (4) (a) For a tollway established under this section, the department may:
- 2417 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
- 2418 vehicle using the tollway according to the terms of the tollway;
- 2419 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:
- 2420 (A) an unpaid toll and the amount of the toll to be paid to the department;
- 2421 (B) the penalty for failure to pay the toll timely; and
- 2422 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and
- 2423 penalty are not paid timely, which would prevent the renewal of the motor vehicle's
- 2424 registration;
- 2425 (iii) require that the owner of the motor vehicle pay the toll to the department within 30
- 2426 days of the date when the department sends written notice of the toll to the owner; and
- 2427 (iv) impose a penalty for failure to pay a toll timely.
- 2428 (b) The department shall mail the correspondence and notice described in Subsection
- 2429 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.
- 2430 (5) (a) The Division of Motor Vehicles and the department shall share and provide
- 2431 access to information pertaining to a motor vehicle and tollway enforcement including:
- 2432 (i) registration and ownership information pertaining to a motor vehicle;
- 2433 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
- 2434 penalty imposed under this section; and
- 2435 (iii) the status of a request for a hold on the registration of a motor vehicle.
- 2436 (b) If the department requests a hold on the registration in accordance with this section,
- 2437 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
- 2438 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or
- 2439 penalty imposed under this section for usage of a tollway involving the motor vehicle for which
- 2440 registration renewal has been requested until the department withdraws the hold request.
- 2441 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter
- 2442 3, Utah Administrative Rulemaking Act, the commission shall:
- 2443 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

2444 (ii) for tolls established under Subsection (6)(b), set:
2445 (A) an increase in a toll rate or user fee above an increase specified in a tollway
2446 development agreement; or
2447 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
2448 tollway development agreement.
2449 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
2450 tollway on a state highway that is the subject of a tollway development agreement shall be set
2451 in the tollway development agreement.
2452 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
2453 the department shall make rules:
2454 (i) necessary to establish and operate tollways on state highways;
2455 (ii) that establish standards and specifications for automatic tolling systems and
2456 automatic tollway monitoring technology; and
2457 (iii) to set the amount of a penalty for failure to pay a toll under this section.
2458 (b) The rules shall:
2459 (i) include minimum criteria for having a tollway; and
2460 (ii) conform to regional and national standards for automatic tolling.
2461 (8) (a) The commission may provide funds for public or private tollway pilot projects
2462 or high occupancy toll lanes from General Fund money appropriated by the Legislature to the
2463 commission for that purpose.
2464 (b) The commission may determine priorities and funding levels for tollways
2465 designated under this section.
2466 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway
2467 on a state highway shall be deposited into the Tollway Special Revenue Fund created in
2468 Section [72-2-120](#) and used for any state transportation purpose.
2469 (b) Revenue generated from a tollway that is the subject of a tollway development
2470 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance
2471 with Subsection (9)(a) unless:
2472 (i) the revenue is to a private entity through the tollway development agreement; or
2473 (ii) the revenue is identified for a different purpose under the tollway development
2474 agreement.

2475 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

2476 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
2477 Chapter 2, Government Records Access and Management Act, if the photographic or video
2478 data is maintained by a governmental entity;

2479 (b) may not be used or shared for any purpose other than the purposes described in this
2480 section;

2481 (c) may only be preserved:

2482 (i) so long as necessary to collect the payment of a toll or penalty imposed in
2483 accordance with this section; or

2484 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
2485 equivalent federal warrant; and

2486 (d) may only be disclosed:

2487 (i) in accordance with the disclosure requirements for a protected record under Section
2488 63G-2-202; or

2489 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
2490 equivalent federal warrant.

2491 (11) (a) The department may not sell for any purpose photographic or video data
2492 captured under Subsection (2)(e)(ii).

2493 (b) The department may not share captured photographic or video data for a purpose
2494 not authorized under this section.

2495 ~~[(12) Before November 1, 2018, the Driver License Division, the Division of Motor
2496 Vehicles, and the department shall jointly study and report findings and recommendations to
2497 the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'
2498 License Compact, and other methods to collect a toll or penalty under this section from:]~~

2499 ~~[(a) an owner of a motor vehicle registered outside this state; or]~~

2500 ~~[(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less;]~~

2501 Section 26. Section 72-6-121 is amended to read:

2502 **72-6-121. Clean fuel vehicle decal.**

2503 (1) Subject to the requirements of this section, the department shall issue a clean fuel
2504 vehicle decal permit and a clean fuel vehicle decal to an applicant if:

2505 (a) the applicant is an owner of a vehicle:

2506 (i) powered by clean fuel that meets the standards established by the department in
2507 rules authorized under Subsection 41-6a-702(5)(b); and

2508 (ii) that is registered in the state of Utah;

2509 (b) the applicant remits an application and all fees required under this section; and

2510 (c) the department has clean fuel vehicle decals available subject to the limits
2511 established by the department in accordance with Subsection 41-6a-702(5)(b).

2512 (2) The department shall establish the clean fuel vehicle decal design in consultation
2513 with the Utah Highway Patrol.

2514 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal
2515 fee established by the department in accordance with Section 63J-1-504.

2516 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department
2517 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

2518 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
2519 vehicle decal to a person who has been issued a clean fuel special group license plate prior to
2520 July 1, 2011.

2521 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
2522 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under
2523 Subsection (3).

2524 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
2525 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the
2526 clean fuel vehicle decal.

2527 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle
2528 decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the
2529 high occupancy lane described in Subsection 41-6a-702(5).

2530 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
2531 shall:

2532 (i) in a manner consistent with Section 41-6a-1635, install on the windshield of the
2533 motor vehicle the clean vehicle transponder issued by the department;

2534 [(†)] (ii) have in the person's immediate possession the clean fuel vehicle decal permit
2535 issued by the department for the motor vehicle the person is operating; and

2536 [(†)] (iii) present the permit upon demand of a peace officer.

2537 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
2538 department shall make rules to administer the clean fuel vehicle decal program authorized in
2539 this section.

2540 Section 27. Section **72-7-111** is enacted to read:

2541 **72-7-111. Storage of flammable, explosive, or combustible materials prohibited.**

2542 (1) As used in this section:

2543 (a) "Combustible" means a material capable of producing a usually rapid chemical
2544 process that creates heat and usually light.

2545 (b) "Explosive" means any chemical compound mixture, or device, the primary or
2546 common purpose of which is to function by explosion.

2547 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

2548 (2) A person may not keep, store, or stockpile any flammable, explosive, or
2549 combustible material above ground directly beneath a bridge, overpass, viaduct, or tunnel
2550 owned or operated by a highway authority or large public transit district.

2551 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

2552 Section 28. Section **72-10-203.5** is amended to read:

2553 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

2554 (1) For purposes of this section:

2555 (a) "Airport owner" means the municipality, county, or airport authority that owns one
2556 or more airports.

2557 (b) "Extraterritorial airport" means an airport, including the airport facilities, real
2558 estate, or other assets related to the operation of an airport, outside the municipality or county
2559 and within the boundary of a different municipality or county.

2560 (2) (a) If an airport owner that owns an international airport also owns one or more
2561 extraterritorial airports, the airport owner shall create and maintain an advisory board as
2562 described in this section.

2563 (b) The advisory board shall advise and consult the airport owner according to the
2564 process set forth in ordinance, rule, or regulation of the airport owner.

2565 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,
2566 appointed as follows:

2567 (i) one individual from each municipality or county in which an extraterritorial airport

2568 is located, appointed:

2569 (A) according to an ordinance or policy in place in each municipality or county for
2570 appointing individuals to a board, if any; or

2571 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief
2572 executive officer of the municipality or county, with advice and consent from the legislative
2573 body of the municipality or county in which the extraterritorial airport is located; and

2574 (ii) as many individuals as necessary, appointed by the chief executive officer of the
2575 airport owner, with advice and consent from the legislative body of the airport owner, when
2576 added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the
2577 advisory board.

2578 (b) The airport owner shall ensure that members of the advisory board have the
2579 following qualifications:

2580 (i) at least one member with experience in commercial or industrial construction
2581 projects with a budget of at least \$10,000,000; and

2582 (ii) at least one member with experience in management and oversight of an entity with
2583 an operating budget of at least \$10,000,000.

2584 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)~~] Subsection (4)(b), the
2585 term of office for members of the advisory board shall be four years or until a successor is
2586 appointed, qualified, seated, and has taken the oath of office.

2587 (ii) A member of the advisory board may serve two terms.

2588 (b) When a vacancy occurs on the board for any reason, the replacement shall be
2589 appointed according to the procedures set forth in Subsection (3) for the member who vacated
2590 the seat, and the replacement shall serve for the remainder of the unexpired term.

2591 (5) The advisory board shall select a chair of the advisory board.

2592 [~~(6)(a) For an airport owner that owns and operates an extraterritorial airport as of
2593 March 9, 2017, that has an advisory board in place, the members of the advisory board may
2594 complete the member's respective current term on the advisory board.]~~]

2595 [~~(b) After March 9, 2017, and upon expiration of the current term of each member of
2596 the advisory board serving as of March 9, 2017, the airport owner shall ensure that the
2597 membership of the advisory board transitions to reflect the requirements of this section.]~~]

2598 [~~(7)~~] (6) (a) The chief executive officer of each municipality or county in which an

2599 extraterritorial airport is located, with the advice and consent of the respective legislative body
 2600 of the municipality or county, may create an extraterritorial airport advisory board to represent
 2601 the interests of the extraterritorial airport.

2602 (b) The extraterritorial airport advisory boards described in Subsection [~~(7)(a)~~] (6)(a)
 2603 shall meet at least quarterly, and:

2604 (i) shall provide advisory support to the member of the advisory board representing the
 2605 municipality or county; and

2606 (ii) may advise in the request for proposals process of a fixed base operator for the
 2607 respective extraterritorial airport.

2608 [~~(8)~~] (7) The airport owner, in consultation with the airport advisory board, shall,
 2609 consistent with the requirements of federal law, study, produce an analysis, and advise
 2610 regarding the highest and best use and operational strategy for each airport, including all lands,
 2611 facilities, and assets owned by the airport owner.

2612 [~~(9)~~] (8) An airport owner, in consultation with the county auditor and the county
 2613 assessor of a county in which an extraterritorial airport is located, shall explore in good faith
 2614 whether a municipality or county where an extraterritorial airport is located receives
 2615 airport-related tax disbursements to which the municipality or county is entitled.

2616 [~~(10)~~] (9) An airport owner shall report annually to the Transportation Interim
 2617 Committee regarding the requirements in this section.

2618 Section 29. Section **72-10-205.5** is amended to read:

2619 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**

2620 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

2621 (i) remains in an idle state on airport property for 45 consecutive calendar days;

2622 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and

2623 (iii) is not in the process of actively being repaired.

2624 (b) "Abandoned aircraft" does not include an aircraft:

2625 (i) (A) that has current FAA registration; and

2626 [~~(ii)~~] (B) that has current state registration; or

2627 [~~(iii)~~] (ii) for which evidence is shown indicating repairs are in process, including:

2628 (A) receipts for parts and labor; or

2629 (B) a statement from a mechanic making the repairs.

2630 (2) An airport operator may take possession and dispose of an abandoned aircraft in
2631 accordance with Subsections (3) through (5).

2632 (3) Upon determining that an aircraft located on airport property is abandoned, the
2633 airport operator shall:

2634 (a) send, by registered mail, a notice containing the information described in
2635 Subsection (4) to the last known address of the last registered owner of the aircraft; and

2636 (b) publish a notice containing the information described in Subsection (4) in a
2637 newspaper of general circulation in the county where the airport is located if:

2638 (i) the owner or the address of the owner of the aircraft is unknown; or

2639 (ii) the mailed notice is returned to the airport operator without a forwarding address.

2640 (4) The notice described in Subsection (3) shall include:

2641 (a) the name, if known, and the last known address, if any, of the last registered owner
2642 of the aircraft;

2643 (b) a description of the aircraft, including the identification number, the location of the
2644 aircraft, and the date the aircraft is determined abandoned;

2645 (c) a statement describing the specific grounds for the determination that the aircraft is
2646 abandoned;

2647 (d) the amount of any accrued or unpaid airport charges; and

2648 (e) a statement indicating that the airport operator intends to take possession and
2649 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
2650 property, after payment in full of any charges described in Subsection (4)(d), within the later
2651 of:

2652 (i) 30 days after the day on which the notice is sent in accordance with Subsection
2653 (3)(a); or

2654 (ii) 30 days after the day on which the notice is published in accordance with
2655 Subsection (3)(b), if applicable.

2656 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport
2657 property, after payment in full of any charges described in Subsection (4)(d), within the time
2658 specified in Subsection (4)(e):

2659 (a) the abandoned aircraft becomes the property of the airport operator; and

2660 (b) the airport operator may dispose of the abandoned aircraft:

2661 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or
2662 (ii) in accordance with any other lawful method or procedure established by rule or
2663 ordinance adopted by the airport operator.

2664 (6) If an airport operator complies with the provisions of this section, the airport
2665 operator is immune from liability for the seizure and disposal of an abandoned aircraft in
2666 accordance with this section.

2667 Section 30. Section **72-17-101 (Effective 03/31/24)** is amended to read:

2668 **72-17-101 (Effective 03/31/24). Office of Rail Safety -- Creation -- Applicability.**

2669 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there
2670 is created within the department an Office of Rail Safety.

2671 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of
2672 Rail Safety, the executive director shall:

2673 (a) enter into an agreement with the Federal Railroad Administration to participate in
2674 inspection and investigation activities; and

2675 (b) obtain certification from the Federal Railroad Administration to undertake
2676 inspection and investigative responsibilities and duties.

2677 (3) In establishing the Office of Rail Safety in accordance with the duties described in
2678 49 C.F.R. Part 212, the department may hire personnel and establish the duties of the office in
2679 phases.

2680 (4) This [~~chapter~~] part applies to:

2681 (a) a class I railroad; and

2682 (b) commuter rail.

2683 Section 31. Section **72-17-102 (Effective 03/31/24)** is amended to read:

2684 **72-17-102 (Effective 03/31/24). Definitions.**

2685 As used in this [~~chapter~~] part:

2686 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.

2687 (2) "Commuter rail" means the same as that term is defined in Section [63N-3-602](#).

2688 (3) "Federal Railroad Administration" means the Federal Railroad Administration
2689 created in 49 U.S.C. Sec. 103.

2690 (4) "Office" means the Office of Rail Safety created in accordance with Section
2691 [72-17-101](#).

2692 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.

2693 Section 32. Section **77-11d-105** is amended to read:

2694 **77-11d-105. Disposition of unclaimed property.**

2695 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or
2696 if the owner of the property is determined and notified, and fails to appear and claim the
2697 property after three months of the property's receipt by the local law enforcement agency, the
2698 agency shall:

2699 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
2700 Legal Notice Website established in Subsection [45-1-101\(2\)\(b\)](#);

2701 (ii) post a similar notice on the public website of the political subdivision within which
2702 the law enforcement agency is located; and

2703 (iii) post a similar notice in a public place designated for notice within the law
2704 enforcement agency.

2705 (b) The notice shall:

2706 (i) give a general description of the item; and

2707 (ii) the date of intended disposition.

2708 (c) The agency may not dispose of the lost or mislaid property until at least eight days
2709 after the date of publication and posting.

2710 (2) (a) If no claim is made for the lost or mislaid property within nine days of
2711 publication and posting, the agency shall notify the person who turned the property over to the
2712 local law enforcement agency, if it was turned over by a person under Section [77-11d-103](#).

2713 (b) Except as provided in Subsection (4), if that person has complied with the
2714 provisions of this chapter, the person may take the lost or mislaid property if the person:

2715 (i) pays the costs incurred for advertising and storage; and

2716 (ii) signs a receipt for the item.

2717 (3) If the person who found the lost or mislaid property fails to take the property under
2718 the provisions of this chapter, the agency shall:

2719 (a) apply the property to a public interest use as provided in Subsection (4);

2720 (b) sell the property at public auction and apply the proceeds of the sale to a public
2721 interest use; or

2722 (c) destroy the property if it is unfit for a public interest use or sale.

2723 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency
2724 having possession of the property shall obtain from the agency's legislative body:

2725 [~~(a)~~] (i) permission to apply the property to a public interest use; and

2726 [~~(b)~~] (ii) the designation and approval of the public interest use of the property.

2727 (b) If the agency is a private law enforcement agency as defined in Subsection
2728 53-19-102(4), the agency may apply the lost or mislaid property to a public interest use as
2729 provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the
2730 legislative body of the municipality in which the agency is located.

2731 (5) Any person employed by a law enforcement agency who finds property may not
2732 claim or receive property under this section.

2733 Section 33. **Effective date.**

2734 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

2735 (2) (a) The actions affecting Section 59-12-103 (Contingently Superseded 01/01/25)
2736 take effect on July 1, 2024.

2737 (b) The actions affecting Section 59-12-103 (Contingently Effective 01/01/25)
2738 contingently take effect on January 1, 2025.