

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- ▶ makes technical changes throughout various sections to clean up cross references and remove outdated language;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;
- ▶ allows the Driver License Division to verify certain information related to the Transportation Security Administration Registered Traveler program;
- ▶ prohibits the storage of flammable, explosive, or combustible materials near or beneath certain highway and public transit facilities;
- ▶ amends provisions regarding the use of certain funds for public transit studies;
- ▶ amends the descriptions of highways near certain state parks;
- ▶ amends a provision related to required matching funds to qualify for certain transportation funding to exclude projects administered by the Department of Transportation;



- 26 ▶ requires a person challenging a dedication of a public highway through continuous
- 27 use to first notify the relevant highway authority before filing suit;
- 28 ▶ amends the definition of abandoned aircraft; and
- 29 ▶ makes technical changes.

30 **Money Appropriated in this Bill:**

31 None

32 **Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

- 36 **17B-2a-804**, as last amended by Laws of Utah 2023, Chapter 15
- 37 **17B-2a-806**, as last amended by Laws of Utah 2023, Chapter 22
- 38 **17B-2a-807.2**, as last amended by Laws of Utah 2022, Chapter 259
- 39 **17B-2a-808.1**, as last amended by Laws of Utah 2022, Chapter 207
- 40 **17B-2a-808.2**, as last amended by Laws of Utah 2023, Chapter 219
- 41 **17B-2a-810.1**, as enacted by Laws of Utah 2018, Chapter 424
- 42 **41-1a-1201**, as last amended by Laws of Utah 2023, Chapters 33, 212, 219, 335, and
- 43 372
- 44 **41-6a-201**, as renumbered and amended by Laws of Utah 2005, Chapter 2
- 45 **41-22-2**, as last amended by Laws of Utah 2022, Chapters 68, 88
- 46 **53-3-102**, as last amended by Laws of Utah 2023, Chapters 296, 328
- 47 **53-3-109**, as last amended by Laws of Utah 2023, Chapter 219
- 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](#), as enacted by Laws of Utah 2023, Chapter 42
- 65 [72-17-102](#), 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 53-3-102 is amended to read:

690 **53-3-102. Definitions.**

691 As used in this chapter:

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

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

694 (b) is equipped with:

695 (i) a steering mechanism;

696 (ii) seat belts; and

697 (iii) seating that does not require the operator to straddle or sit astride the motor
698 vehicle.

699 (2) "Cancellation" means the termination by the division of a license issued through
700 error or fraud or for which consent under Section 53-3-211 has been withdrawn.

701 (3) "Class D license" means the class of license issued to drive motor vehicles not
702 defined as commercial motor vehicles or motorcycles under this chapter.

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

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

706 (b) issued by a state or other jurisdiction of domicile in compliance with the standards
707 contained in 49 C.F.R. Part 383.

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

709 (a) issued substantially in accordance with the requirements of Title XII, Pub. L.
710 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
711 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
712 commercial motor vehicle; and

713 (b) that was obtained by providing evidence of lawful presence in the United States
714 with one of the document requirements described in Subsection 53-3-410(1)(i)(i).

715 (6) (a) "Commercial driver license motor vehicle record" or "CDL MVR" means a
716 driving record that:

717 (i) applies to a person who holds or is required to hold a commercial driver instruction
718 permit or a CDL license; and

719 (ii) contains the following:

720 (A) information contained in the driver history, including convictions, pleas held in
721 abeyance, disqualifications, and other licensing actions for violations of any state or local law
722 relating to motor vehicle traffic control, committed in any type of vehicle;

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

724 (C) information from medical certification record keeping in accordance with 49
725 C.F.R. Sec. 383.73(o).

726 (b) "Commercial driver license motor vehicle record" or "CDL MVR" does not mean a
727 motor vehicle record described in Subsection (30).

728 (7) (a) "Commercial motor vehicle" means a motor vehicle or combination of motor
729 vehicles designed or used to transport passengers or property if the motor vehicle:

730 (i) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds,
731 or gross combination weight rating or gross combination weight of 26,001 or more pounds or a
732 lesser rating as determined by federal regulation;

733 (ii) is designed to transport 16 or more passengers, including the driver; or

734 (iii) is transporting hazardous materials and is required to be placarded in accordance
735 with 49 C.F.R. Part 172, Subpart F.

736 (b) The following vehicles are not considered a commercial motor vehicle for purposes
737 of Part 4, Uniform Commercial Driver License Act:

738 (i) equipment owned and operated by the United States Department of Defense when

739 driven by any active duty military personnel and members of the reserves and national guard on
740 active duty including personnel on full-time national guard duty, personnel on part-time
741 training, and national guard military technicians and civilians who are required to wear military
742 uniforms and are subject to the code of military justice;

743 (ii) vehicles controlled and driven by a farmer to transport agricultural products, farm
744 machinery, or farm supplies to or from a farm within 150 miles of his farm but not in operation
745 as a motor carrier for hire;

746 (iii) firefighting and emergency vehicles;

747 (iv) recreational vehicles that are not used in commerce and are driven solely as family
748 or personal conveyances for recreational purposes; and

749 (v) vehicles used to provide transportation network services, as defined in Section
750 [13-51-102](#).

751 (8) "Conviction" means any of the following:

752 (a) an unvacated adjudication of guilt or a determination that a person has violated or
753 failed to comply with the law in a court of original jurisdiction or an administrative proceeding;

754 (b) an unvacated forfeiture of bail or collateral deposited to secure a person's
755 appearance in court;

756 (c) a plea of guilty or nolo contendere accepted by the court;

757 (d) the payment of a fine or court costs; or

758 (e) violation of a condition of release without bail, regardless of whether the penalty is
759 rebated, suspended, or probated.

760 (9) "Denial" or "denied" means the withdrawal of a driving privilege by the division to
761 which the provisions of Title 41, Chapter 12a, Part 4, Proof of Owner's or Operator's Security,
762 do not apply.

763 (10) "Director" means the division director appointed under Section [53-3-103](#).

764 (11) "Disqualification" means either:

765 (a) the suspension, revocation, cancellation, denial, or any other withdrawal by a state
766 of a person's privileges to drive a commercial motor vehicle;

767 (b) a determination by the Federal Highway Administration, under 49 C.F.R. Part 386,
768 that a person is no longer qualified to drive a commercial motor vehicle under 49 C.F.R. Part
769 391; or

770 (c) the loss of qualification that automatically follows conviction of an offense listed in
771 49 C.F.R. Part 383.51.

772 (12) "Division" means the Driver License Division of the department created in
773 Section 53-3-103.

774 (13) "Downgrade" means to obtain a lower license class than what was originally
775 issued during an existing license cycle.

776 (14) "Drive" means:

777 (a) to operate or be in physical control of a motor vehicle upon a highway; and

778 (b) in Subsections 53-3-414(1) through (3), Subsection 53-3-414(5), and Sections
779 53-3-417 and 53-3-418, the operation or physical control of a motor vehicle at any place within
780 the state.

781 (15) (a) "Driver" means an individual who drives, or is in actual physical control of a
782 motor vehicle in any location open to the general public for purposes of vehicular traffic.

783 (b) In Part 4, Uniform Commercial Driver License Act, "driver" includes any person
784 who is required to hold a CDL under Part 4, Uniform Commercial Driver License Act, or
785 federal law.

786 (16) "Driving privilege card" means the evidence of the privilege granted and issued
787 under this chapter to drive a motor vehicle to a person whose privilege was obtained without
788 providing evidence of lawful presence in the United States.

789 (17) "Electronic license certificate" means the evidence, in an electronic format as
790 described in Section 53-3-235, of a privilege granted under this chapter to drive a motor
791 vehicle.

792 (18) "Extension" means a renewal completed in a manner specified by the division.

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

795 (20) "Highway" means the entire width between property lines of every way or place of
796 any nature when any part of it is open to the use of the public, as a matter of right, for traffic.

797 (21) "Human driver" means the same as that term is defined in Section 41-26-102.1.

798 (22) "Identification card" means a card issued under Part 8, Identification Card Act, to
799 a person for identification purposes.

800 (23) "Indigent" means that a person's income falls below the federal poverty guideline

801 issued annually by the United States Department of Health and Human Services in the Federal
802 Register.

803 (24) "License" means the privilege to drive a motor vehicle.

804 (25) (a) "License certificate" means the evidence of the privilege issued under this
805 chapter to drive a motor vehicle.

806 (b) "License certificate" evidence includes:

807 (i) a regular license certificate;

808 (ii) a limited-term license certificate;

809 (iii) a driving privilege card;

810 (iv) a CDL license certificate;

811 (v) a limited-term CDL license certificate;

812 (vi) a temporary regular license certificate;

813 (vii) a temporary limited-term license certificate; and

814 (viii) an electronic license certificate created in Section [53-3-235](#).

815 (26) "Limited-term commercial driver license" or "limited-term CDL" means a license:

816 (a) issued substantially in accordance with the requirements of Title XII, Pub. L. No.
817 99-570, the Commercial Motor Vehicle Safety Act of 1986, and in accordance with Part 4,
818 Uniform Commercial Driver License Act, which authorizes the holder to drive a class of
819 commercial motor vehicle; and

820 (b) that was obtained by providing evidence of lawful presence in the United States
821 with one of the document requirements described in Subsection [53-3-410\(1\)\(i\)\(ii\)](#).

822 (27) "Limited-term identification card" means an identification card issued under this
823 chapter to a person whose card was obtained by providing evidence of lawful presence in the
824 United States with one of the document requirements described in Subsection
825 [53-3-804\(2\)\(i\)\(ii\)](#).

826 (28) "Limited-term license certificate" means the evidence of the privilege granted and
827 issued under this chapter to drive a motor vehicle to a person whose privilege was obtained
828 providing evidence of lawful presence in the United States with one of the document
829 requirements described in Subsection [53-3-205\(8\)\(a\)\(ii\)\(B\)](#).

830 (29) "Motor vehicle" means the same as that term is defined in Section [41-1a-102](#).

831 (30) "Motor vehicle record" or "MVR" means a driving record under Subsection

832 [~~53-3-109(6)(a)~~] 53-3-109(7)(a).

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

834 (32) "Motorcycle" means every motor vehicle, other than a tractor, having a seat or
835 saddle for the use of the rider and designed to travel with not more than three wheels in contact
836 with the ground.

837 (33) "Office of Recovery Services" means the Office of Recovery Services, created in
838 Section [26B-9-103](#).

839 (34) "Operate" means the same as that term is defined in Section [41-1a-102](#).

840 (35) (a) "Owner" means a person other than a lien holder having an interest in the
841 property or title to a vehicle.

842 (b) "Owner" includes a person entitled to the use and possession of a vehicle subject to
843 a security interest in another person but excludes a lessee under a lease not intended as security.

844 (36) "Penalty accounts receivable" means a fine, restitution, forfeiture, fee, surcharge,
845 or other financial penalty imposed on an individual by a court or other government entity.

846 (37) (a) "Private passenger carrier" means any motor vehicle for hire that is:

847 (i) designed to transport 15 or fewer passengers, including the driver; and

848 (ii) operated to transport an employee of the person that hires the motor vehicle.

849 (b) "Private passenger carrier" does not include:

850 (i) a taxicab;

851 (ii) a motor vehicle driven by a transportation network driver as defined in Section
852 [13-51-102](#);

853 (iii) a motor vehicle driven for transportation network services as defined in Section
854 [13-51-102](#); and

855 (iv) a motor vehicle driven for a transportation network company as defined in Section
856 [13-51-102](#) and registered with the Division of Consumer Protection as described in Section
857 [13-51-104](#).

858 (38) "Regular identification card" means an identification card issued under this
859 chapter to a person whose card was obtained by providing evidence of lawful presence in the
860 United States with one of the document requirements described in Subsection [53-3-804\(2\)\(i\)\(i\)](#).

861 (39) "Regular license certificate" means the evidence of the privilege issued under this
862 chapter to drive a motor vehicle whose privilege was obtained by providing evidence of lawful

863 presence in the United States with one of the document requirements described in Subsection
864 53-3-205(8)(a)(ii)(A).

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

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

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

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

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

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

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

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

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

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

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

887 (iv) an immediate family member who resides with or a household member of a person
888 listed in Subsections (42)(b)(i) through (iii).

889 (43) "Revocation" means the termination by action of the division of a licensee's
890 privilege to drive a motor vehicle.

891 (44) (a) "School bus" means a commercial motor vehicle used to transport pre-primary,
892 primary, or secondary school students to and from home and school, or to and from school
893 sponsored events.

894 (b) "School bus" does not include a bus used as a common carrier as defined in Section
895 59-12-102.

896 (45) "Suspension" means the temporary withdrawal by action of the division of a
897 licensee's privilege to drive a motor vehicle.

898 (46) "Taxicab" means any class D motor vehicle transporting any number of
899 passengers for hire and that is subject to state or federal regulation as a taxi.

900 Section 12. Section 53-3-109 is amended to read:

901 **53-3-109. Records -- Access -- Fees -- Rulemaking.**

902 (1) (a) Except as provided in this section, all records of the division shall be classified
903 and disclosed in accordance with Title 63G, Chapter 2, Government Records Access and
904 Management Act.

905 (b) The division may disclose personal identifying information in accordance with 18
906 U.S.C. Chapter 123:

907 (i) to a licensed private investigator holding a valid agency license, with a legitimate
908 business need;

909 (ii) to an insurer, insurance support organization, or a self-insured entity, or its agents,
910 employees, or contractors that issues any motor vehicle insurance under Title 31A, Chapter 22,
911 Part 3, Motor Vehicle Insurance, for use in connection with claims investigation activities,
912 antifraud activities, rating, or underwriting for any person issued a license certificate under this
913 chapter;

914 (iii) to a depository institution as that term is defined in Section 7-1-103;

915 (iv) to the State Tax Commission for the purposes of tax fraud detection and
916 prevention and any other use required by law;

917 (v) subject to Subsection [~~(7)~~] (8), to the University of Utah for data collection in
918 relation to genetic and epidemiologic research; or

919 (vi) (A) to a government entity, including any court or law enforcement agency, to
920 fulfill the government entity's functions; or

921 (B) to a private person acting on behalf of a government entity to fulfill the government
922 entity's functions, if the division determines disclosure of the information is in the interest of
923 public safety.

924 (2) (a) A person who receives personal identifying information shall be advised by the

925 division that the person may not:

926 (i) disclose the personal identifying information from that record to any other person;

927 or

928 (ii) use the personal identifying information from that record for advertising or

929 solicitation purposes.

930 (b) Any use of personal identifying information by an insurer or insurance support
931 organization, or by a self-insured entity or its agents, employees, or contractors not authorized
932 by Subsection (1)(b)(ii) is:

933 (i) an unfair marketing practice under Section 31A-23a-402; or

934 (ii) an unfair claim settlement practice under Subsection 31A-26-303(3).

935 (3) (a) Notwithstanding the provisions of Subsection (1)(b), the division or its designee
936 may disclose portions of a driving record, in accordance with this Subsection (3), to:

937 (i) an insurer as defined under Section 31A-1-301, or a designee of an insurer, for
938 purposes of assessing driving risk on the insurer's current motor vehicle insurance
939 policyholders;

940 (ii) an employer or a designee of an employer, for purposes of monitoring the driving
941 record and status of current employees who drive as a responsibility of the employee's
942 employment if the requester demonstrates that the requester has obtained the written consent of
943 the individual to whom the information pertains; and

944 (iii) an employer or the employer's agents to obtain or verify information relating to a
945 holder of a commercial driver license that is required under 49 U.S.C. Chapter 313.

946 (b) A disclosure under Subsection (3)(a)(i) shall:

947 (i) include the licensed driver's name, driver license number, date of birth, and an
948 indication of whether the driver has had a moving traffic violation that is a reportable violation,
949 as defined under Section 53-3-102 during the previous month;

950 (ii) be limited to the records of drivers who, at the time of the disclosure, are covered
951 under a motor vehicle insurance policy of the insurer; and

952 (iii) be made under a contract with the insurer or a designee of an insurer.

953 (c) A disclosure under Subsection (3)(a)(ii) or (iii) shall:

954 (i) include the licensed driver's name, driver license number, date of birth, and an
955 indication of whether the driver has had a moving traffic violation that is a reportable violation,

956 as defined under Section 53-3-102, during the previous month;

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

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

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

961 (A) driving status;

962 (B) license class;

963 (C) medical self-certification status; or

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

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

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

967 (ii) the frequency of the disclosures;

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

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

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

971 response to an electronically submitted request to verify information from a driver license or
972 identification card issued by the division if:

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

975 (ii) the private entity implements the Transportation Security Administration
976 enrollment standards; and

977 (iii) the program participant:

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

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

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

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

986 [~~4~~] (5) The division may charge fees:

987 (a) in accordance with Section [53-3-105](#) for searching and compiling its files or
988 furnishing a report on the driving record of a person;

989 (b) for each document prepared under the seal of the division and deliver upon request,
990 a certified copy of any record of the division, and charge a fee set in accordance with Section
991 [63J-1-504](#) for each document authenticated; ~~and~~

992 (c) established in accordance with ~~[the procedures and requirements of]~~ Section
993 [63J-1-504](#), for disclosing personal identifying information under Subsection (1)(b)~~[-]; and~~

994 (d) established in accordance with Section [63J-1-504](#), for each response under
995 Subsection (4).

996 ~~[(5)]~~ (6) Each certified copy of a driving record furnished in accordance with this
997 section is admissible in any court proceeding in the same manner as the original.

998 ~~[(6)]~~ (7) (a) A driving record furnished under this section may only report on the
999 driving record of a person for a period of 10 years.

1000 (b) Subsection ~~[(6)(a)]~~ (7)(a) does not apply to court or law enforcement reports,
1001 reports of commercial driver license violations, or reports for commercial driver license
1002 holders.

1003 ~~[(7)]~~ (8) (a) The division shall include on each application for or renewal of a license
1004 or identification card under this chapter:

1005 (i) the following notice: "The Driver License Division may disclose the information
1006 provided on this form to an entity described in Utah Code Ann. Subsection
1007 [53-3-109](#)(1)(b)(v).";

1008 (ii) a reference to the website described in Subsection ~~[(7)(b)]~~ (8)(b); and

1009 (iii) a link to the division website for:

1010 (A) information provided by the division, after consultation with the University of
1011 Utah, containing the explanation and description described in Subsection ~~[(7)(b)]~~ (8)(b); and

1012 (B) an online form for the individual to opt out of the disclosure of personal identifying
1013 information ~~[as]~~ described in Subsection (1)(b)(v).

1014 (b) In consultation with the division, the University of Utah shall create a website that
1015 provides an explanation and description of:

1016 (i) what information may be disclosed by the division to the University of Utah under
1017 Subsection (1)(b)(v);

- 1018 (ii) the methods and timing of anonymizing the information;
- 1019 (iii) for situations where the information is not anonymized:
- 1020 (A) how the information is used;
- 1021 (B) how the information is secured;
- 1022 (C) how long the information is retained; and
- 1023 (D) who has access to the information;
- 1024 (iv) research and statistical purposes for which the information is used; and
- 1025 (v) other relevant details regarding the information.
- 1026 (c) The website created by the University of Utah described in Subsection ~~[(7)(b)]~~
- 1027 (8)(b) shall include the following:
- 1028 (i) a link to the division website for an online form for the individual to opt out of the
- 1029 disclosure of personal identifying information as described in Subsection (1)(b)(v); and
- 1030 (ii) a link to an online form for the individual to affirmatively choose to remove,
- 1031 subject to Subsection ~~[(7)(e)(ii)]~~ (8)(e)(ii), personal identifying information from the database
- 1032 controlled by the University of Utah that was disclosed pursuant to Subsection (1)(b)(v).
- 1033 (d) In the course of business, the division shall provide information regarding the
- 1034 disclosure of personal identifying information, including providing on the division website:
- 1035 (i) a link to the website created under Subsection ~~[(7)(b)]~~ (8)(b) to provide individuals
- 1036 with information regarding the disclosure of personal identifying information under Subsection
- 1037 (1)(b)(v); and
- 1038 (ii) a link to the division website for:
- 1039 (A) information provided by the division, after consultation with the University of
- 1040 Utah, containing the explanation and description described in Subsection ~~[(7)(b)]~~ (8)(b); and
- 1041 (B) an online form for the individual to opt out of the disclosure of personal identifying
- 1042 information as described in Subsection (1)(b)(v).
- 1043 (e) (i) The division may not disclose the personal identifying information under
- 1044 Subsection (1)(b)(v) if an individual opts out of the disclosure as described in Subsection
- 1045 ~~[(7)(a)(iii)(B) or (7)(c)(i)]~~ (8)(a)(iii)(B) or (8)(c)(i).
- 1046 (ii) (A) Except as provided in Subsection ~~[(7)(e)(ii)(B);]~~ (8)(e)(ii)(B), if an individual
- 1047 makes a request as described in Subsection ~~[(7)(e)(ii);]~~ (8)(c)(ii), the University of Utah shall,
- 1048 within 90 days of receiving the request, remove and destroy the individual's personal

1049 identifying information received under Subsection (1)(b)(v) from a database controlled by the
1050 University of Utah.

1051 (B) The University of Utah is not required to remove an individual's personal
1052 identifying information as described in Subsection [~~(7)(e)(ii)(A)~~] (8)(e)(ii)(A) from data
1053 released to a research study before the date of the request described in Subsection [~~(7)(e)(ii)~~]
1054 (8)(c)(ii).

1055 (f) The University of Utah shall conduct a biennial internal information security audit
1056 of the information systems that store the data received pursuant to Subsection (1)(b)(v), and,
1057 beginning in the year 2023, provide a biennial report of the findings of the internal audit to the
1058 Transportation Interim Committee.

1059 [~~(8)~~] (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking
1060 Act, the division may make rules to designate:

1061 (a) what information shall be included in a report on the driving record of a person;
1062 (b) the form of a report or copy of the report which may include electronic format;
1063 (c) the form of a certified copy, as required under Section [53-3-216](#), which may include
1064 electronic format;

1065 (d) the form of a signature required under this chapter which may include electronic
1066 format;

1067 (e) the form of written request to the division required under this chapter which may
1068 include electronic format;

1069 (f) the procedures, requirements, and formats for disclosing personal identifying
1070 information under Subsection (1)(b); and

1071 (g) the procedures, requirements, and formats necessary for the implementation of
1072 Subsection (3).

1073 [~~(9)~~] (10) (a) It is a class B misdemeanor for a person to knowingly or intentionally
1074 access, use, disclose, or disseminate a record created or maintained by the division or any
1075 information contained in a record created or maintained by the division for a purpose
1076 prohibited or not permitted by statute, rule, regulation, or policy of a governmental entity.

1077 (b) A person who discovers or becomes aware of any unauthorized use of records
1078 created or maintained by the division shall inform the commissioner and the division director
1079 of the unauthorized use.

1080 Section 13. Section **59-13-103** is amended to read:

1081 **59-13-103. List of clean fuels provided to tax commission .**

1082 [(+) The Air Quality Board shall annually provide to the tax commission a list of fuels
1083 that are clean fuels under Section **59-13-102**.

1084 [~~(2) The Air Quality Board appointed under Section **19-2-103** shall in conjunction with
1085 the State Tax Commission prepare and submit to the Legislature before January 1, 1995, a
1086 report evaluating the impacts, benefits, and economic consequences of the clean fuel provisions
1087 of Sections **59-13-201** and **59-13-301**.]~~

1088 Section 14. Section **72-1-201** is amended to read:

1089 **72-1-201. Creation of Department of Transportation -- Functions, powers, duties,
1090 rights, and responsibilities.**

1091 (1) There is created the Department of Transportation which shall:

1092 (a) have the general responsibility for planning, research, design, construction,
1093 maintenance, security, and safety of state transportation systems;

1094 (b) provide administration for state transportation systems and programs;

1095 (c) implement the transportation policies of the state;

1096 (d) plan, develop, construct, and maintain state transportation systems that are safe,
1097 reliable, environmentally sensitive, and serve the needs of the traveling public, commerce, and
1098 industry;

1099 (e) establish standards and procedures regarding the technical details of administration
1100 of the state transportation systems as established by statute and administrative rule;

1101 (f) advise the governor and the Legislature about state transportation systems needs;

1102 (g) coordinate with utility companies for the reasonable, efficient, and cost-effective
1103 installation, maintenance, operation, relocation, and upgrade of utilities within state highway
1104 rights-of-way;

1105 (h) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1106 make rules for the administration of the department, state transportation systems, and
1107 programs;

1108 (i) jointly with the commission annually report to the Transportation Interim
1109 Committee, by November 30 of each year, as to the operation, maintenance, condition,
1110 mobility, safety needs, and wildlife and livestock mitigation for state transportation systems;

1111 (j) ensure that any training or certification required of a public official or public
1112 employee, as those terms are defined in Section 63G-22-102, complies with Title 63G, Chapter
1113 22, State Training and Certification Requirements, if the training or certification is required:

1114 (i) under this title;

1115 (ii) by the department; or

1116 (iii) by an agency or division within the department;

1117 (k) study and make recommendations to the Legislature on potential managed lane use
1118 and implementation on selected transportation systems within the state; [~~and~~]

1119 (l) before July 1 of each year, coordinate with the Utah Highway Patrol Division
1120 created in Section 53-8-103 regarding:

1121 (i) future highway projects that will add additional capacity to the state transportation
1122 system;

1123 (ii) potential changes in law enforcement responsibilities due to future highway
1124 projects; and

1125 (iii) incident management services on state highways[-]; and

1126 (m) provide public transit services, in consultation with any relevant public transit
1127 provider.

1128 (2) (a) The department shall exercise reasonable care in designing, constructing, and
1129 maintaining a state highway in a reasonably safe condition for travel.

1130 (b) Nothing in this section shall be construed as:

1131 (i) creating a private right of action; or

1132 (ii) expanding or changing the department's common law duty as described in
1133 Subsection (2)(a) for liability purposes.

1134 Section 15. Section 72-1-203 is amended to read:

1135 **72-1-203. Deputy director -- Appointment -- Qualifications -- Other assistants**
1136 **and advisers -- Salaries.**

1137 (1) The executive director shall appoint the following deputy directors, who shall serve
1138 at the discretion of the executive director:

1139 (a) the deputy director of engineering and operation, who shall be a registered
1140 professional engineer in the state, and who shall be the chief engineer of the department; and

1141 (b) the deputy director of planning and investment.

- 1142 (2) As assigned by the executive director, the deputy directors described in Subsection
1143 (1) may assist the executive director with the following departmental responsibilities:
- 1144 (a) project development, including statewide standards for project design and
1145 construction, right-of-way, materials, testing, structures, and construction;
 - 1146 (b) oversight of the management of the region offices described in Section [72-1-205](#);
 - 1147 (c) operations and traffic management;
 - 1148 (d) oversight of operations of motor carriers and ports;
 - 1149 (e) transportation systems safety;
 - 1150 (f) aeronautical operations;
 - 1151 (g) equipment for department engineering and maintenance functions;
 - 1152 (h) oversight and coordination of planning, including:
 - 1153 (i) development of statewide strategic initiatives for planning across all modes of
1154 transportation;
 - 1155 (ii) coordination with metropolitan planning organizations and local governments;
 - 1156 (iii) coordination with a large public transit district, including planning, project
1157 development, outreach, programming, environmental studies and impact statements,
1158 construction, and impacts on public transit operations; and
 - 1159 (iv) corridor and area planning;
 - 1160 (i) asset management;
 - 1161 (j) programming and prioritization of transportation projects;
 - 1162 (k) fulfilling requirements for environmental studies and impact statements;
 - 1163 (l) resource investment, including identification, development, and oversight of
1164 public-private partnership opportunities;
 - 1165 (m) data analytics services to the department;
 - 1166 (n) corridor preservation;
 - 1167 (o) employee development;
 - 1168 (p) maintenance planning;
 - 1169 (q) oversight and facilitation of the negotiations and integration of public transit
1170 providers described in Section [17B-2a-827](#);
 - 1171 (r) oversight and supervision of any fixed guideway capital development project within
1172 the boundaries of a large public transit district for which any state funds are expended,

1173 including those responsibilities described in Subsections (2)(a), (h), (j), (k), and (l), and the
1174 implementation and enforcement of any federal grant obligations associated with fixed
1175 guideway capital development project funding; and

1176 (s) other departmental responsibilities as determined by the executive director.

1177 (3) The executive director shall ensure that the same deputy director does not oversee
1178 or supervise both the fixed guideway capital development responsibilities described in
1179 Subsection (2)(r) and the department's fixed guideway rail safety responsibilities, including the
1180 responsibilities described in Section 72-1-214.

1181 Section 16. Section 72-1-216 is amended to read:

1182 **72-1-216. Statewide electric vehicle charging network plan -- Report.**

1183 (1) (a) The department, in consultation with relevant entities in the private sector, shall
1184 develop a statewide electric vehicle charging network plan.

1185 (b) To develop the statewide electric vehicle charging network plan, the department
1186 shall consult with political subdivisions and other relevant state agencies, divisions, and
1187 entities, including:

1188 (i) the Department of Environmental Quality created in Section 19-1-104;

1189 (ii) the Division of Facilities Construction and Management created in Section
1190 63A-5b-301;

1191 (iii) the Office of Energy Development created in Section 79-6-401; and

1192 (iv) the Department of Natural Resources created in Section 79-2-201.

1193 (2) The statewide electric vehicle charging network plan shall provide implementation
1194 strategies to ensure that electric vehicle charging stations are available:

1195 (a) at strategic locations as determined by the department [~~by June 30, 2021~~];

1196 (b) at incremental distances no greater than every 50 miles along the state's interstate
1197 highway system by December 31, 2025; and

1198 (c) along other major highways within the state as the department finds appropriate.

1199 [~~(3) The department shall provide a report before November 30, 2020, to the~~
1200 ~~Transportation Interim Committee to outline the statewide electric vehicle charging network~~
1201 ~~plan.~~]

1202 Section 17. Section 72-1-304 is amended to read:

1203 **72-1-304. Written project prioritization process for new transportation capacity**

1204 **projects -- Rulemaking.**

1205 (1) (a) The Transportation Commission, in consultation with the department and the
1206 metropolitan planning organizations as defined in Section 72-1-208.5, shall develop a written
1207 prioritization process for the prioritization of:

1208 (i) new transportation capacity projects that are or will be part of the state highway
1209 system under Chapter 4, Part 1, State Highways;

1210 (ii) paved pedestrian or paved nonmotorized transportation projects described in
1211 Section 72-2-124;

1212 (iii) public transit projects that directly add capacity to the public transit systems within
1213 the state, not including facilities ancillary to the public transit system; and

1214 (iv) pedestrian or nonmotorized transportation projects that provide connection to a
1215 public transit system.

1216 (b) (i) A local government or public transit district may nominate a project for
1217 prioritization in accordance with the process established by the commission in rule.

1218 (ii) If a local government or public transit district nominates a project for prioritization
1219 by the commission, the local government or public transit district shall provide data and
1220 evidence to show that:

1221 (A) the project will advance the purposes and goals described in Section 72-1-211;

1222 (B) for a public transit project, the local government or public transit district has an
1223 ongoing funding source for operations and maintenance of the proposed development; and

1224 (C) the local government or public transit district will provide the percentage of the
1225 costs for the project as required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

1226 (2) The following shall be included in the written prioritization process under
1227 Subsection (1):

1228 (a) a description of how the strategic initiatives of the department adopted under
1229 Section 72-1-211 are advanced by the written prioritization process;

1230 (b) a definition of the type of projects to which the written prioritization process
1231 applies;

1232 (c) specification of a weighted criteria system that is used to rank proposed projects
1233 and how it will be used to determine which projects will be prioritized;

1234 (d) specification of the data that is necessary to apply the weighted ranking criteria; and

1235 (e) any other provisions the commission considers appropriate, which may include
1236 consideration of:

1237 (i) regional and statewide economic development impacts, including improved local
1238 access to:

1239 (A) employment;

1240 (B) educational facilities;

1241 (C) recreation;

1242 (D) commerce; and

1243 (E) residential areas, including moderate income housing as demonstrated in the local
1244 government's or public transit district's general plan pursuant to Section 10-9a-403 or
1245 17-27a-403;

1246 (ii) the extent to which local land use plans relevant to a project support and
1247 accomplish the strategic initiatives adopted under Section 72-1-211; and

1248 (iii) any matching funds provided by a political subdivision or public transit district in
1249 addition to the percentage of costs required by Subsections 72-2-124(4)(a)(viii) and
1250 72-2-124(9)(e).

1251 (3) (a) When prioritizing a public transit project that increases capacity, the
1252 commission:

1253 (i) may give priority consideration to projects that are part of a transit-oriented
1254 development or transit-supportive development as defined in Section 17B-2a-802; and

1255 (ii) shall give priority consideration to projects that are within the boundaries of a
1256 housing and transit reinvestment zone created pursuant to Title 63N, Chapter 3, Part 6,
1257 Housing and Transit Reinvestment Zone Act.

1258 (b) When prioritizing a transportation project that increases capacity, the commission
1259 may give priority consideration to projects that are:

1260 (i) part of a transportation reinvestment zone created under Section 11-13-227 if:

1261 (A) the state is a participant in the transportation reinvestment zone; or

1262 (B) the commission finds that the transportation reinvestment zone provides a benefit
1263 to the state transportation system; or

1264 (ii) within the boundaries of a housing and transit reinvestment zone created pursuant
1265 to Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act.

1266 (c) If the department receives a notice of prioritization for a municipality as described
1267 in Subsection 10-9a-408(5), or a notice of prioritization for a county as described in Subsection
1268 17-27a-408(5), the commission may give priority consideration to transportation projects that
1269 are within the boundaries of the municipality or the unincorporated areas of the county until the
1270 department receives notification from the Housing and Community Development Division
1271 within the Department of Workforce Services that the municipality or county no longer
1272 qualifies for prioritization under this Subsection (3)(c).

1273 (4) In developing the written prioritization process, the commission:

1274 (a) shall seek and consider public comment by holding public meetings at locations
1275 throughout the state; and

1276 (b) may not consider local matching dollars as provided under Section 72-2-123 unless
1277 the state provides an equal opportunity to raise local matching dollars for state highway
1278 improvements within each county.

1279 (5) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1280 Transportation Commission, in consultation with the department, shall make rules establishing
1281 the written prioritization process under Subsection (1).

1282 (6) The commission shall submit the proposed rules under this section to a committee
1283 or task force designated by the Legislative Management Committee for review prior to taking
1284 final action on the proposed rules or any proposed amendment to the rules described in
1285 Subsection (5).

1286 Section 18. Section 72-2-124 is amended to read:

1287 **72-2-124. Transportation Investment Fund of 2005.**

1288 (1) There is created a capital projects fund entitled the Transportation Investment Fund
1289 of 2005.

1290 (2) The fund consists of money generated from the following sources:

1291 (a) any voluntary contributions received for the maintenance, construction,
1292 reconstruction, or renovation of state and federal highways;

1293 (b) appropriations made to the fund by the Legislature;

1294 (c) registration fees designated under Section 41-1a-1201;

1295 (d) the sales and use tax revenues deposited into the fund in accordance with Section
1296 59-12-103; and

- 1297 (e) revenues transferred to the fund in accordance with Section 72-2-106.
- 1298 (3) (a) The fund shall earn interest.
- 1299 (b) All interest earned on fund money shall be deposited into the fund.
- 1300 (4) (a) Except as provided in Subsection (4)(b), the executive director may only use
- 1301 fund money to pay:
 - 1302 (i) the costs of maintenance, construction, reconstruction, or renovation to state and
 - 1303 federal highways prioritized by the Transportation Commission through the prioritization
 - 1304 process for new transportation capacity projects adopted under Section 72-1-304;
 - 1305 (ii) the costs of maintenance, construction, reconstruction, or renovation to the highway
 - 1306 projects described in Subsections 63B-18-401(2), (3), and (4);
 - 1307 (iii) principal, interest, and issuance costs of bonds authorized by Section 63B-18-401
 - 1308 minus the costs paid from the County of the First Class Highway Projects Fund in accordance
 - 1309 with Subsection 72-2-121(4)(e);
 - 1310 (iv) for a fiscal year beginning on or after July 1, 2013, to transfer to the 2010 Salt
 - 1311 Lake County Revenue Bond Sinking Fund created by Section 72-2-121.3 the amount certified
 - 1312 by Salt Lake County in accordance with Subsection 72-2-121.3(4)(c) as necessary to pay the
 - 1313 debt service on \$30,000,000 of the revenue bonds issued by Salt Lake County;
 - 1314 (v) principal, interest, and issuance costs of bonds authorized by Section 63B-16-101
 - 1315 for projects prioritized in accordance with Section 72-2-125;
 - 1316 (vi) all highway general obligation bonds that are intended to be paid from revenues in
 - 1317 the Centennial Highway Fund created by Section 72-2-118;
 - 1318 (vii) for fiscal year 2015-16 only, to transfer \$25,000,000 to the County of the First
 - 1319 Class Highway Projects Fund created in Section 72-2-121 to be used for the purposes described
 - 1320 in Section 72-2-121;
 - 1321 (viii) if a political subdivision provides a contribution equal to or greater than 40% of
 - 1322 the costs needed for construction, reconstruction, or renovation of paved pedestrian or paved
 - 1323 nonmotorized transportation for projects that:
 - 1324 (A) mitigate traffic congestion on the state highway system;
 - 1325 (B) are part of an active transportation plan approved by the department; and
 - 1326 (C) are prioritized by the commission through the prioritization process for new
 - 1327 transportation capacity projects adopted under Section 72-1-304;

- 1328 (ix) \$705,000,000 for the costs of right-of-way acquisition, construction,
1329 reconstruction, or renovation of or improvement to the following projects:
- 1330 (A) the connector road between Main Street and 1600 North in the city of Vineyard;
 - 1331 (B) Geneva Road from University Parkway to 1800 South;
 - 1332 (C) the SR-97 interchange at 5600 South on I-15;
 - 1333 (D) two lanes on U-111 from Herriman Parkway to 11800 South;
 - 1334 (E) widening I-15 between mileposts 10 and 13 and the interchange at milepost 11;
 - 1335 (F) improvements to 1600 North in Orem from 1200 West to State Street;
 - 1336 (G) widening I-15 between mileposts 6 and 8;
 - 1337 (H) widening 1600 South from Main Street in the city of Spanish Fork to SR-51;
 - 1338 (I) widening US 6 from Sheep Creek to Mill Fork between mileposts 195 and 197 in
1339 Spanish Fork Canyon;
 - 1340 (J) I-15 northbound between mileposts 43 and 56;
 - 1341 (K) a passing lane on SR-132 between mileposts 41.1 and 43.7 between mileposts 43
1342 and 45.1;
 - 1343 (L) east Zion SR-9 improvements;
 - 1344 (M) Toquerville Parkway;
 - 1345 (N) an environmental study on Foothill Boulevard in the city of Saratoga Springs;
 - 1346 (O) using funds allocated in this Subsection (4)(a)(ix), and other sources of funds, for
1347 construction of an interchange on Bangerter Highway at 13400 South; and
 - 1348 (P) an environmental impact study for Kimball Junction in Summit County; and
 - 1349 (x) \$28,000,000 as pass-through funds, to be distributed as necessary to pay project
1350 costs based upon a statement of cash flow that the local jurisdiction where the project is located
1351 provides to the department demonstrating the need for money for the project, for the following
1352 projects in the following amounts:
- 1353 (A) \$5,000,000 for Payson Main Street repair and replacement;
 - 1354 (B) \$8,000,000 for a Bluffdale 14600 South railroad bypass;
 - 1355 (C) \$5,000,000 for improvements to 4700 South in Taylorsville; and
 - 1356 (D) \$10,000,000 for improvements to the west side frontage roads adjacent to U.S. 40
1357 between mile markers 7 and 10.
- 1358 (b) The executive director may use fund money to exchange for an equal or greater

1359 amount of federal transportation funds to be used as provided in Subsection (4)(a).

1360 (5) (a) Except as provided in Subsection (5)(b), if the department receives a notice of
1361 ineligibility for a municipality as described in Subsection 10-9a-408(7), the executive director
1362 may not program fund money to a project prioritized by the commission under Section
1363 72-1-304, including fund money from the Transit Transportation Investment Fund, within the
1364 boundaries of the municipality until the department receives notification from the Housing and
1365 Community Development Division within the Department of Workforce Services that
1366 ineligibility under this Subsection (5) no longer applies to the municipality.

1367 (b) Within the boundaries of a municipality described in Subsection (5)(a), the
1368 executive director:

1369 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
1370 facility or interchange connecting limited-access facilities;

1371 (ii) may not program fund money for the construction, reconstruction, or renovation of
1372 an interchange on a limited-access facility;

1373 (iii) may program Transit Transportation Investment Fund money for a
1374 multi-community fixed guideway public transportation project; and

1375 (iv) may not program Transit Transportation Investment Fund money for the
1376 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1377 transportation project.

1378 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1379 director before July 1, 2022, for projects prioritized by the commission under Section
1380 72-1-304.

1381 (6) (a) Except as provided in Subsection (6)(b), if the department receives a notice of
1382 ineligibility for a county as described in Subsection 17-27a-408(7), the executive director may
1383 not program fund money to a project prioritized by the commission under Section 72-1-304,
1384 including fund money from the Transit Transportation Investment Fund, within the boundaries
1385 of the unincorporated area of the county until the department receives notification from the
1386 Housing and Community Development Division within the Department of Workforce Services
1387 that ineligibility under this Subsection (6) no longer applies to the county.

1388 (b) Within the boundaries of the unincorporated area of a county described in
1389 Subsection (6)(a), the executive director:

1390 (i) may program fund money in accordance with Subsection (4)(a) for a limited-access
1391 facility to a project prioritized by the commission under Section 72-1-304;

1392 (ii) may not program fund money for the construction, reconstruction, or renovation of
1393 an interchange on a limited-access facility;

1394 (iii) may program Transit Transportation Investment Fund money for a
1395 multi-community fixed guideway public transportation project; and

1396 (iv) may not program Transit Transportation Investment Fund money for the
1397 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1398 transportation project.

1399 (c) Subsections (6)(a) and (b) do not apply to a project programmed by the executive
1400 director before July 1, 2022, for projects prioritized by the commission under Section
1401 72-1-304.

1402 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
1403 in any fiscal year, the department and the commission shall appear before the Executive
1404 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1405 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1406 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1407 (b) The Executive Appropriations Committee of the Legislature shall review and
1408 comment on the amount of bond proceeds needed to fund the projects.

1409 (8) The Division of Finance shall, from money deposited into the fund, transfer the
1410 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1411 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
1412 sinking fund.

1413 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1414 Transportation Investment Fund.

1415 (b) The fund shall be funded by:

1416 (i) contributions deposited into the fund in accordance with Section 59-12-103;

1417 (ii) appropriations into the account by the Legislature;

1418 (iii) deposits of sales and use tax increment related to a housing and transit
1419 reinvestment zone as described in Section 63N-3-610;

1420 (iv) transfers of local option sales and use tax revenue as described in Subsection

1421 59-12-2220(11)(b) or (c);

1422 (v) private contributions; and

1423 (vi) donations or grants from public or private entities.

1424 (c) (i) The fund shall earn interest.

1425 (ii) All interest earned on fund money shall be deposited into the fund.

1426 (d) Subject to Subsection (9)(e), the commission may prioritize money from the fund:

1427 (i) for public transit capital development of new capacity projects and fixed guideway

1428 capital development projects to be used as prioritized by the commission through the

1429 prioritization process adopted under Section 72-1-304; [or]

1430 (ii) to the department for oversight of a fixed guideway capital development project for

1431 which the department has responsibility[-]; or

1432 (iii) up to \$500,000 per year, to be used for a public transit study.

1433 (e) (i) Subject to Subsections [~~(9)(g) and (h)~~] (9)(g), (h), and (i), the commission may

1434 only prioritize money from the fund for a public transit capital development project or

1435 pedestrian or nonmotorized transportation project that provides connection to the public transit

1436 system if the public transit district or political subdivision provides funds of equal to or greater

1437 than 30% of the costs needed for the project.

1438 (ii) A public transit district or political subdivision may use money derived from a loan

1439 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or

1440 part of the 30% requirement described in Subsection (9)(e)(i) if:

1441 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,

1442 State Infrastructure Bank Fund; and

1443 (B) the proposed capital project has been prioritized by the commission pursuant to

1444 Section 72-1-303.

1445 (f) Before July 1, 2022, the department and a large public transit district shall enter into

1446 an agreement for a large public transit district to pay the department \$5,000,000 per year for 15

1447 years to be used to facilitate the purchase of zero emissions or low emissions rail engines and

1448 trainsets for regional public transit rail systems.

1449 (g) For any revenue transferred into the fund pursuant to Subsection

1450 59-12-2220(11)(b):

1451 (i) the commission may prioritize money from the fund for public transit projects,

1452 operations, or maintenance within the county of the first class; and

1453 (ii) Subsection (9)(e) does not apply.

1454 (h) For any revenue transferred into the fund pursuant to Subsection

1455 [59-12-2220](#)(11)(c):

1456 (i) the commission may prioritize public transit projects, operations, or maintenance in
1457 the county from which the revenue was generated; and

1458 (ii) Subsection (9)(e) does not apply.

1459 (i) The requirement to provide funds equal to or greater than 30% of the costs needed
1460 for a project described in Subsection (9)(e) does not apply to a public transit capital
1461 development project or pedestrian or nonmotorized transportation project that the department
1462 proposes.

1463 (10) (a) There is created in the Transportation Investment Fund of 2005 the
1464 Cottonwood Canyons Transportation Investment Fund.

1465 (b) The fund shall be funded by:

1466 (i) money deposited into the fund in accordance with Section [59-12-103](#);

1467 (ii) appropriations into the account by the Legislature;

1468 (iii) private contributions; and

1469 (iv) donations or grants from public or private entities.

1470 (c) (i) The fund shall earn interest.

1471 (ii) All interest earned on fund money shall be deposited into the fund.

1472 (d) The Legislature may appropriate money from the fund for public transit or
1473 transportation projects in the Cottonwood Canyons of Salt Lake County.

1474 (11) (a) There is created in the Transportation Investment Fund of 2005 the Active
1475 Transportation Investment Fund.

1476 (b) The fund shall be funded by:

1477 (i) money deposited into the fund in accordance with Section [59-12-103](#);

1478 (ii) appropriations into the account by the Legislature; and

1479 (iii) donations or grants from public or private entities.

1480 (c) (i) The fund shall earn interest.

1481 (ii) All interest earned on fund money shall be deposited into the fund.

1482 (d) The executive director may only use fund money to pay the costs needed for:

1483 (i) the planning, design, construction, maintenance, reconstruction, or renovation of
1484 paved pedestrian or paved nonmotorized trail projects that:

1485 (A) are prioritized by the commission through the prioritization process for new
1486 transportation capacity projects adopted under Section 72-1-304;

1487 (B) serve a regional purpose; and

1488 (C) are part of an active transportation plan approved by the department or the plan
1489 described in Subsection (11)(d)(ii);

1490 (ii) the development of a plan for a statewide network of paved pedestrian or paved
1491 nonmotorized trails that serve a regional purpose; and

1492 (iii) the administration of the fund, including staff and overhead costs.

1493 Section 19. Section 72-3-202 is amended to read:

1494 **72-3-202. State park access highways -- Anasazi State Park Museum to Edge of**
1495 **the Cedars State Park Museum.**

1496 State park access highways include:

1497 (1) ANASAZI STATE PARK MUSEUM. Access to the Anasazi State Park Museum
1498 is at the park entrance located in Garfield County at milepoint [87.8] 87.3 on State Highway
1499 12. No access road is defined.

1500 (2) BEAR LAKE STATE PARK (Marina). Access to the Bear Lake Marina is at the
1501 pay gate located in Rich County at milepoint [413.2] 498.8 on State Highway 89. No access
1502 road is defined.

1503 (3) BEAR LAKE STATE PARK (East Shore). Access to the Bear Lake East Shore
1504 begins in Rich County at State Highway 30 and proceeds northerly on a county road (L326) a
1505 distance of 9.2 miles, to the camping area of the park and is under the jurisdiction of Rich
1506 County.

1507 (4) BEAR LAKE STATE PARK (Rendezvous Beach). Access to the Bear Lake
1508 Rendezvous Beach is at the park entrance in Rich County at milepoint [124.5] 118 on State
1509 Highway 30. No access road is defined.

1510 (5) CAMP FLOYD/STAGECOACH INN STATE PARK MUSEUM. Access to the
1511 Camp Floyd/Stagecoach Inn State Park Museum is at the parking area in Utah County at
1512 milepoint 20.6 on State Highway 73. No access road is defined.

1513 (6) CORAL PINK SAND DUNES STATE PARK.

1514 (a) Access to the Coral Pink Sand Dunes State Park begins in Kane County at State
1515 Highway 89 and proceeds southwesterly on [a] county road 43 a distance of 12.0 miles to the
1516 visitor center of the park and is under the jurisdiction of Kane County.

1517 (b) The second access to the Coral Pink Sand Dunes State Park begins on the state
1518 border between Arizona and Utah and proceeds northerly on county road 43 and travels
1519 through the state park and is under the jurisdiction of Kane County.

1520 (7) DANGER CAVE. Access to Danger cave is in Tooele County. No access road is
1521 defined.

1522 (8) DEAD HORSE POINT STATE PARK. Access to Dead Horse Point State Park
1523 begins in Grand County at State Highway 191 and proceeds southwesterly on State Highway
1524 313 a distance of 20.8 miles [~~to the camping area at the park and is under the jurisdiction of~~
1525 ~~UDOT.~~], crosses into San Juan County between mile marker 2 and 3, continues to mile marker
1526 0, and is under the jurisdiction of the department.

1527 (9) DEER CREEK STATE PARK. Access to Deer Creek State Park begins in
1528 Wasatch County at State Highway 189 and proceeds southwesterly on State Highway 314 a
1529 distance of [~~0.2~~] 0.8 miles to the boat ramp at the park and is under the jurisdiction of [~~UDOT~~]
1530 the department.

1531 (10) EAST CANYON STATE PARK. Access to East Canyon State Park begins in
1532 Morgan County at State Highway 66 and proceeds southeasterly on State Highway 306 a
1533 distance of 0.1 miles to the parking area at the park and is under the jurisdiction of [~~UDOT~~] the
1534 department.

1535 (11) ECHO STATE PARK. Access to Echo State Park begins in Coalville, Summit
1536 County at Main Street and proceeds northeasterly on Echo Dam Road a distance of 0.12 miles
1537 to the boat ramp at the park.

1538 [(H)] (12) EDGE OF THE CEDARS STATE PARK MUSEUM. Access to Edge of
1539 the Cedars State Park Museum begins in Blanding at U.S. Highway 191 and proceeds west on
1540 Center Street to 600 West then north on 600 West to the parking area and museum at 660 West
1541 400 North. The access road is under the jurisdiction of Blanding.

1542 Section 20. Section **72-3-203** is amended to read:

1543 **72-3-203. State park access highways -- Escalante Petrified Forest State Park to**
1544 **Huntington State Park.**

1545 State park access highways include:

1546 (1) ESCALANTE PETRIFIED FOREST STATE PARK. Access to Escalante
1547 Petrified Forest State Park begins in Garfield County at State Highway 12 and proceeds
1548 northwesterly on a county road a distance of 1 mile to the park's visitor center and is under the
1549 jurisdiction of Garfield County.

1550 (2) FLIGHT PARK STATE RECREATION AREA. Access to Flight Park State
1551 Recreation Area begins in Utah County at East Frontage Road and proceeds northeasterly on
1552 Air Park Road, a distance of 0.5 miles to the park entrance and is under the jurisdiction of Utah
1553 County.

1554 (3) FREMONT INDIAN STATE PARK MUSEUM. Access to the Fremont Indian
1555 State Park Museum begins in Sevier County at the Sevier Junction on Highway 89 and
1556 proceeds westerly on county road 2524 to interchange 17 on Interstate 70, a distance of 5.9
1557 miles and is under the jurisdiction of Sevier County.

1558 ~~[(4) GOBLIN VALLEY STATE PARK (East Access). The East Access to the Goblin
1559 Valley State Park begins in Emery County at the junction of State Highway 24 and county road
1560 1012 and proceeds westerly on county road 1012, a distance of 5.2 miles; then southerly on
1561 county road 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4
1562 miles to the park entrance. The East Access is under the jurisdiction of Emery County.]~~

1563 ~~[(5)]~~ (4) GOBLIN VALLEY STATE PARK (North Access). The North Access to the
1564 Goblin Valley State Park begins in Emery County at the junction of ~~[Interstate 70 and county
1565 road 332]~~ county road 1013 and county road 1014 and proceeds southwesterly on county road
1566 332, a distance of 10 miles; then southerly on county road 1033, a distance of 3.1 miles; then
1567 southeasterly on county road 1012, a distance of ~~[10.6 miles; then southerly on county road
1568 1013, a distance of 6.0 miles; then southerly on county road 1014, a distance of 0.4 miles to the
1569 park entrance.]~~ 7.0 miles to the park fee station. The North Access is under the jurisdiction of
1570 Emery County.

1571 ~~[(6)]~~ (5) GOOSENECKS STATE PARK. Access to Goosenecks State Park begins in
1572 San Juan County at State Highway 261 and proceeds southwesterly on State Highway 316 a
1573 distance of 3.6 miles to the parking area and overlook at the park and is under the jurisdiction
1574 of UDOT.

1575 ~~[(7)]~~ (6) ANTELOPE ISLAND STATE PARK. Access to Antelope Island State Park

1576 begins in Davis County at State Highway 127 and proceeds southwesterly on a county road a
1577 distance of 7.2 miles to the parking area and marina at the park and is under the jurisdiction of
1578 Davis County.

1579 ~~[(8)]~~ (7) GREAT SALT LAKE STATE PARK MARINA. Access to the Great Salt
1580 Lake State Park Marina begins in Salt Lake County at Interstate Highway 80 and proceeds
1581 southwesterly on a county road a distance of 1.5 miles to the parking area and marina at the
1582 park and is under the jurisdiction of Salt Lake County.

1583 ~~[(9)]~~ (8) GREEN RIVER STATE PARK. Access to Green River State Park begins in
1584 Emery County at the junction of Route 19 and Green River Boulevard and proceeds southerly
1585 on Green River Boulevard, a distance of 0.5 miles to the park entrance and is under the
1586 jurisdiction of Green River.

1587 ~~[(10)]~~ (9) GUNLOCK STATE PARK. Access to ~~[the]~~ Gunlock State Park begins in
1588 Washington County at the junction of county road (L009) ~~[and a county road]~~ (Old Highway
1589 91) and Gunlock Road and proceeds northwesterly on ~~[a county road]~~ Gunlock Road a distance
1590 of ~~[0.1]~~ 5.9 miles to the parking area at the park and is under the jurisdiction of Washington
1591 County.

1592 ~~[(11)]~~ (10) HUNTINGTON STATE PARK. Access to ~~[the]~~ Huntington State Park
1593 begins in Emery County at State Highway 10 and proceeds northwesterly on a county road a
1594 distance of 0.3 miles to the park entrance and is under the jurisdiction of Emery County.

1595 Section 21. Section **72-3-204** is amended to read:

1596 **72-3-204. State park access highways -- Hyrum State Park to Painted Rocks.**

1597 State park access highways include:

1598 (1) HYRUM STATE PARK. Access to Hyrum State Park is at the pay gate in Cache
1599 County at 405 West 300 South in Hyrum and proceeds northerly on 400 West to State Highway
1600 101. No access road is defined.

1601 (2) FRONTIER HOMESTEAD STATE PARK MUSEUM. Access to Frontier
1602 Homestead State Park Museum is at the parking area and museum in Iron County at milepoint
1603 ~~[3.3]~~ 3.1 on State Highway 130 at 585 North Main St. in Cedar City. No access road is
1604 defined.

1605 (3) FRONTIER HOMESTEAD STATE PARK (OLD IRON TOWN HISTORIC
1606 SITE). Access to Old Iron Town begins at the junction of a county road and State Highway 56,

1607 19.0 miles west of Cedar City, and proceeds southwesterly 2.7 miles to the parking lot for Old
1608 Iron Town and is under the jurisdiction of Iron County.

1609 (4) JORDAN RIVER OFF-HIGHWAY VEHICLE STATE PARK. Access to Jordan
1610 River Off-highway Vehicle State Park begins in Salt Lake County at 2100 North and proceeds
1611 northerly on Rose Park Lane, a distance of 1.25 miles to the park entrance and is under the
1612 jurisdiction of Salt Lake County.

1613 (5) JORDANELLE STATE PARK (HAILSTONE MARINA). Access to the
1614 Jordanelle State Park Hailstone Marina begins in Wasatch County at State Highway 40 and
1615 proceeds southeasterly on State Highway 319 a distance of [~~1.4~~] 1.2 miles to the marina
1616 parking area at the park and is under the jurisdiction of UDOT.

1617 (6) JORDANELLE STATE PARK (ROCK CLIFF NATURE CENTER). Access to
1618 the Jordanelle State Park Rock Cliff Nature Center begins in Wasatch County at State Highway
1619 32 and proceeds northwesterly on a county road a distance of 0.6 miles to the parking area at
1620 the park and is under the jurisdiction of the county.

1621 (7) JORDANELLE STATE PARK (ROSS CREEK). Access to Jordanelle State Park
1622 Ross Creek begins in Wasatch County at State Highway 189 and proceeds southerly on a
1623 county road a distance of 0.1 miles to the parking area at the park and is under the jurisdiction
1624 of the county.

1625 (8) KODACHROME BASIN STATE PARK. Access to the Kodachrome Basin State
1626 Park begins in Kane County at State Highway 12 and proceeds southeasterly on a county road
1627 10.1 miles to the parking area at Kodachrome Lodge and is under the jurisdiction of Kane
1628 County.

1629 (9) MILLSITE STATE PARK. Access to the Millsite State Park begins in Emery
1630 County at State Highway 10 and proceeds northwesterly on a county road (L122) a distance of
1631 4.6 miles to the parking area at the park and is under the jurisdiction of Emery County.

1632 (10) OTTER CREEK STATE PARK. Access to the Otter Creek State Park is at the
1633 pay gate/contact station in Piute County at milepoint 6.4 on State Highway 22. No access road
1634 is defined.

1635 (11) PAINTED ROCKS (YUBA EAST SHORE). Access to the Painted Rocks Yuba
1636 East Shore begins in Sanpete County at State Highway 28 and proceeds westerly on a county
1637 road a distance of 2.0 miles to the parking/boat launch area at the park and is under the

1638 jurisdiction of Sanpete County.

1639 Section 22. Section **72-3-205** is amended to read:

1640 **72-3-205. State park access highways -- Palisade State Park to Starvation State**
1641 **Park.**

1642 State park access highways include:

1643 (1) PALISADE STATE PARK. Access to the Palisade State Park begins in Sanpete
1644 County at State Highway 89 and proceeds northeasterly on a county road a distance of 2.2
1645 miles to the golf club/contact station at the park and is under the jurisdiction of Sanpete
1646 County.

1647 (2) PIUTE STATE PARK. Access to the Piute State Park begins in Piute County at
1648 State Highway 89 and proceeds southeasterly on a county road a distance of 1.0 miles to the
1649 parking area at the park and is under the jurisdiction of Piute County.

1650 (3) QUAIL CREEK STATE PARK (North Access). The North Access to the Quail
1651 Creek State Park begins in Hurricane City at Old Highway 91 and proceeds southerly on 5300
1652 West, a distance of 1.0 miles to the pay gate/contact station at the park. The North Access is
1653 under the jurisdiction of Hurricane City.

1654 (4) QUAIL CREEK STATE PARK (South Access). The South Access to the Quail
1655 Creek State Park begins in Washington County at State Highway 9 and proceeds northerly on
1656 State Highway 318, a distance of 2.2 miles to the pay gate/contact station at the park. The
1657 South Access is under the jurisdiction of UDOT.

1658 (5) RED FLEET STATE PARK. Access to the Red Fleet State Park begins in Uintah
1659 County at State Highway 191 and proceeds easterly on a county road a distance of 2.0 miles to
1660 the pay gate at the park and is under the jurisdiction of Uintah County.

1661 (6) ROCKPORT STATE PARK. Access to the Rockport State Park begins in Summit
1662 County at State Highway 32 and proceeds northwesterly on State Highway 302 a distance of
1663 0.2 miles to the pay gate at the park and is under the jurisdiction of UDOT.

1664 (7) SAND HOLLOW STATE PARK (North Access). The North Access to the Sand
1665 Hollow State Park begins in Hurricane City at State Highway 9 and proceeds southerly on Sand
1666 Hollow Road, a distance of 3.9 miles to Sand Hollow Parkway. The North Access is under the
1667 jurisdiction of Hurricane City.

1668 ~~[(8) SAND HOLLOW STATE PARK (East Access). The East Access to the Sand~~

1669 ~~Hollow State Park begins in Hurricane City at 1100 West and proceeds west on 3000 South, a~~
 1670 ~~distance of 1.7 miles; then proceeds southwesterly on Sand Hollow Road, a distance of 5.3~~
 1671 ~~miles to Sand Hollow Parkway. The East Access is under the jurisdiction of Hurricane City.]~~

1672 (8) SAND HOLLOW STATE PARK (South Access). The South Access to Sand
 1673 Hollow State Park begins at the intersection of State Route 7 and Sand Hollow Road, then
 1674 proceeds northerly on Sand Hollow Road, a distance of 0.87 miles to the park entrance road.
 1675 The South Access is under the jurisdiction of Hurricane City.

1676 (9) SCOFIELD (Mountain View). Access to Scofield Mountain View is at the boat
 1677 launch in Carbon County at milepoint 9.2 on State Highway 96. No access road is defined.

1678 (10) SCOFIELD STATE PARK (Madsen Bay). Access to the Scofield State Park
 1679 Madsen Bay is at the park entrance in Carbon County at milepoint 12.3 on State Highway 96.
 1680 No access road is defined.

1681 ~~[(11) SNOW CANYON STATE PARK. Access to the Snow Canyon State Park~~
 1682 ~~begins in Washington County at State Highway 18 near mile post 4 in St. George and proceeds~~
 1683 ~~northerly on Snow Canyon Parkway and Snow Canyon Drive to the south boundary of the~~
 1684 ~~Snow Canyon State Park.]~~

1685 (11) SNOW CANYON STATE PARK.

1686 (a) South access to the Snow Canyon State Park begins in Washington County at State
 1687 Highway 18 near mile post 4 in St. George and proceeds westerly on Snow Canyon Parkway
 1688 and northerly on Snow Canyon Drive to the south boundary of the Snow Canyon State Park (at
 1689 the northern boundary of the Vermillion Cliffs development).

1690 (b) The northern access is located at the intersection of State Route 18 and Snow
 1691 Canyon Drive.

1692 (12) STARVATION STATE PARK. Access to the Starvation State Park begins in
 1693 Duchesne County at State Highway 40 and proceeds northwesterly on State Highway 311 a
 1694 distance of [~~2.2~~] 3.9 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

1695 Section 23. Section **72-3-206** is amended to read:

1696 **72-3-206. State park access highways -- Steinaker State Park to Yuba State Park.**

1697 State park access highways include:

1698 (1) STEINAKER STATE PARK. Access to the Steinaker State Park begins in Uintah
 1699 County at State Highway 191 and proceeds northwesterly on State Highway 301 a distance of

1700 [~~1.7~~] 2.0 miles to the boat ramp at the park and is under the jurisdiction of UDOT.

1701 (2) TERRITORIAL STATEHOUSE STATE PARK. Access to the Territorial
1702 Statehouse State Park is at the parking area in Millard County at milepoint 1.0 on State
1703 Highway 100. No access road is defined.

1704 (3) THIS IS THE PLACE HERITAGE PARK. Access to This Is The Place Heritage
1705 Park is at the park entrance in Salt Lake County at 2601 East Sunnyside Avenue in Salt Lake
1706 City. No access road is defined.

1707 (4) UTAH FIELD HOUSE OF NATURAL HISTORY STATE PARK. Access to Utah
1708 Field House of Natural History State Park is at the parking area in Uintah County at milepoint
1709 [~~145.8~~] 145.1 on State Highway 40 at 496 East Main in Vernal. No access road is defined.

1710 (5) UTAH LAKE STATE PARK. Access to the Utah Lake State Park begins in Utah
1711 County at State Highway 114 and proceeds westerly on a county road a distance of 2.5 miles to
1712 the pay gate at the park and is under the jurisdiction of Utah County.

1713 (6) WASATCH MOUNTAIN STATE PARK (East Access). The East Access to the
1714 Wasatch Mountain State Park begins at the Summit-Wasatch County line and proceeds
1715 westerly on Guardsman Pass Road, a county road, a distance of .9 miles; then southeasterly on
1716 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
1717 East Access is under the jurisdiction of Wasatch County.

1718 (7) WASATCH MOUNTAIN STATE PARK (South Access). The South Access to
1719 the Wasatch Mountain State Park begins in Wasatch County at State Route 40 and proceeds
1720 westerly on Federal Route 3130 via River Road, Burgi Lane, and Cari Lane, county and city
1721 roads, a distance of 4.3 miles to State Highway 222; then northerly on State Highway 222, a
1722 distance of [~~1.1~~] 1.3 miles to the campground entrance. The South Access is under the
1723 jurisdiction of Wasatch County and Midway City.

1724 (8) WASATCH MOUNTAIN STATE PARK (West Access). The West Access to the
1725 Wasatch Mountain State Park begins at the Salt Lake-Wasatch County line and proceeds
1726 easterly on Guardsman Pass Road, a county road, a distance of 1.7 miles; then southeasterly on
1727 Pine Canyon Road, a county road, a distance of 7.3 miles to the campground entrance. The
1728 West Access is under the jurisdiction of Wasatch County.

1729 (9) WASATCH MOUNTAIN (Soldier Hollow). Access to Soldier Hollow begins in
1730 Wasatch County at State Highway 113 and proceeds westerly on Tate Lane, a county road; then

1731 southwesterly on Soldier Hollow Lane to the parking area and clubhouse.

1732 (10) WASATCH MOUNTAIN (Cascade Springs). Access to Cascade Springs begins
1733 in Wasatch County at the junction of Tate Lane and Stringtown Road, county roads, and
1734 proceeds northerly on Stringtown Road; then southwesterly on Cascade Springs Drive to the
1735 parking area. The access is under the jurisdiction of Wasatch County.

1736 (11) WILLARD BAY STATE PARK (South). Access to the Willard Bay State Park
1737 South begins in Box Elder County at a county road and proceeds northwesterly on State
1738 Highway 312 a distance of [0.2] 0.5 miles to the marina parking at the park and is under the
1739 jurisdiction of UDOT.

1740 (12) WILLARD BAY STATE PARK (North). Access to the Willard Bay State Park
1741 North begins in Box Elder County at Interstate Highway 15 and proceeds southwesterly on
1742 State Highway 315 a distance of [0.6] 1.0 miles to the marina parking at the park and is under
1743 the jurisdiction of UDOT.

1744 (13) YUBA STATE PARK. Access to the Yuba State Park begins in Juab County at
1745 Interstate Highway 15 and proceeds southerly on county road (L203) a distance of 4.1 miles to
1746 the pay gate at the park and is under the jurisdiction of Juab County.

1747 Section 24. Section **72-5-104** is amended to read:

1748 **72-5-104. Public use constituting dedication -- Scope.**

1749 (1) As used in this section, "highway," "street," or "road" does not include an area
1750 principally used as a parking lot.

1751 (2) A highway is dedicated and abandoned to the use of the public when it has been
1752 continuously used as a public thoroughfare for a period of 10 years.

1753 (3) The requirement of continuous use under Subsection (2) is satisfied if the use is as
1754 frequent as the public finds convenient or necessary and may be seasonal or follow some other
1755 pattern.

1756 (4) Continuous use as a public thoroughfare under Subsection (2) is interrupted when:

1757 (a) the person or entity interrupting the continuous use gives not less than 72 hours
1758 advance written notice of the interruption to the highway authority having jurisdiction of the
1759 highway, street, or road;

1760 (b) the property owner undertakes an overt act which is intended to interrupt the use of
1761 the highway, street, or road as a public thoroughfare; and

1762 (c) the overt act described in Subsection (4)(b) is reasonably calculated to interrupt the
1763 regularly established pattern and frequency of public use for the given highway, street, or road
1764 for a period of no less than 24 hours.

1765 (5) Installation of gates and posting of no trespassing signs are relevant forms of
1766 evidence but are not solely determinative of whether an interruption under Subsection (4) has
1767 occurred.

1768 (6) A property owner's interruption under Subsection (4) of a highway, street, or road
1769 where the requirement of continuous use under Subsection (2) is not satisfied restarts the
1770 running of the 10-year period of continuous use required for dedication under Subsection (2).

1771 (7) (a) The burden of proving dedication under Subsection (2) is on the party asserting
1772 the dedication.

1773 (b) The burden of proving interruption under Subsection (4) is on the party asserting
1774 the interruption.

1775 (8) (a) The dedication and abandonment creates a right-of-way held by the state or a
1776 local highway authority in accordance with Sections [72-3-102](#), [72-3-103](#), [72-3-104](#), [72-3-105](#),
1777 and [72-5-103](#).

1778 (b) A property owner's interruption under Subsection (4) of a right-of-way claimed by
1779 the state or local highway authority in accordance with Subsection (8)(a) or R.S. 2477 has no
1780 effect on the validity of the state's or local highway authority's claim to the right-of-way and
1781 does not return the right-of-way to the property owner.

1782 (9) The scope of a right-of-way described in Subsection (8)(a) is that which is
1783 reasonable and necessary to ensure safe travel according to the facts and circumstances.

1784 (10) The provisions of this section apply to any claim under this section for which a
1785 court of competent jurisdiction has not issued a final unappealable judgment or order.

1786 (11) (a) Before a person may file an action in district court to determine or challenge
1787 whether a highway, street, or road has been dedicated to the public as described in this section,
1788 the person shall first provide 30-day written notice to the relevant highway authority.

1789 (b) In an action described in Subsection (11)(a), the person shall name as a defendant
1790 the highway authority that would have jurisdiction over the highway, street, or road.

1791 Section 25. Section **72-6-118** is amended to read:

1792 **72-6-118. Definitions -- Establishment and operation of tollways -- Imposition**

1793 **and collection of tolls -- Amount of tolls -- Rulemaking.**

1794 (1) As used in this section:

1795 (a) "High occupancy toll lane" means a high occupancy vehicle lane designated under
1796 Section 41-6a-702 that may be used by an operator of a vehicle carrying less than the number
1797 of persons specified for the high occupancy vehicle lane if the operator of the vehicle pays a
1798 toll or fee.

1799 (b) "Toll" means any tax, fee, or charge assessed for the specific use of a tollway.

1800 (c) "Toll lane" means a designated new highway or additional lane capacity that is
1801 constructed, operated, or maintained for which a toll is charged for its use.

1802 (d) (i) "Tollway" means a highway, highway lane, bridge, path, tunnel, or right-of-way
1803 designed and used as a transportation route that is constructed, operated, or maintained through
1804 the use of toll revenues.

1805 (ii) "Tollway" includes a high occupancy toll lane and a toll lane.

1806 (e) "Tollway development agreement" has the same meaning as defined in Section
1807 72-6-202.

1808 (2) Subject to the provisions of Subsection (3), the department may:

1809 (a) establish, expand, and operate tollways and related facilities for the purpose of
1810 funding in whole or in part the acquisition of right-of-way and the design, construction,
1811 reconstruction, operation, enforcement, and maintenance of or impacts from a transportation
1812 route for use by the public;

1813 (b) enter into contracts, agreements, licenses, franchises, tollway development
1814 agreements, or other arrangements to implement this section;

1815 (c) impose and collect tolls on any tollway established under this section, including
1816 collection of past due payment of a toll or penalty;

1817 (d) grant exclusive or nonexclusive rights to a private entity to impose and collect tolls
1818 pursuant to the terms and conditions of a tollway development agreement;

1819 (e) use technology to automatically monitor a tollway and collect payment of a toll,
1820 including:

1821 (i) license plate reading technology; and

1822 (ii) photographic or video recording technology; and

1823 (f) in accordance with Subsection (5), request that the Division of Motor Vehicles deny

1824 a request for registration of a motor vehicle if the motor vehicle owner has failed to pay a toll
1825 or penalty imposed for usage of a tollway involving the motor vehicle for which registration
1826 renewal has been requested.

1827 (3) (a) The department may establish or operate a tollway on an existing highway if
1828 approved by the commission in accordance with the terms of this section.

1829 (b) To establish a tollway on an existing highway, the department shall submit a
1830 proposal to the commission including:

1831 (i) a description of the tollway project;

1832 (ii) projected traffic on the tollway;

1833 (iii) the anticipated amount of the toll to be charged; and

1834 (iv) projected toll revenue.

1835 (4) (a) For a tollway established under this section, the department may:

1836 (i) according to the terms of each tollway, impose the toll upon the owner of a motor
1837 vehicle using the tollway according to the terms of the tollway;

1838 (ii) send correspondence to the owner of the motor vehicle to inform the owner of:

1839 (A) an unpaid toll and the amount of the toll to be paid to the department;

1840 (B) the penalty for failure to pay the toll timely; and

1841 (C) a hold being placed on the owner's registration for the motor vehicle if the toll and
1842 penalty are not paid timely, which would prevent the renewal of the motor vehicle's
1843 registration;

1844 (iii) require that the owner of the motor vehicle pay the toll to the department within 30
1845 days of the date when the department sends written notice of the toll to the owner; and

1846 (iv) impose a penalty for failure to pay a toll timely.

1847 (b) The department shall mail the correspondence and notice described in Subsection
1848 (4)(a) to the owner of the motor vehicle according to the terms of a tollway.

1849 (5) (a) The Division of Motor Vehicles and the department shall share and provide
1850 access to information pertaining to a motor vehicle and tollway enforcement including:

1851 (i) registration and ownership information pertaining to a motor vehicle;

1852 (ii) information regarding the failure of a motor vehicle owner to timely pay a toll or
1853 penalty imposed under this section; and

1854 (iii) the status of a request for a hold on the registration of a motor vehicle.

1855 (b) If the department requests a hold on the registration in accordance with this section,
1856 the Division of Motor Vehicles may not renew the registration of a motor vehicle under Title
1857 41, Chapter 1a, Part 2, Registration, if the owner of the motor vehicle has failed to pay a toll or
1858 penalty imposed under this section for usage of a tollway involving the motor vehicle for which
1859 registration renewal has been requested until the department withdraws the hold request.

1860 (6) (a) Except as provided in Subsection (6)(b), in accordance with Title 63G, Chapter
1861 3, Utah Administrative Rulemaking Act, the commission shall:

1862 (i) set the amount of any toll imposed or collected on a tollway on a state highway; and

1863 (ii) for tolls established under Subsection (6)(b), set:

1864 (A) an increase in a toll rate or user fee above an increase specified in a tollway
1865 development agreement; or

1866 (B) an increase in a toll rate or user fee above a maximum toll rate specified in a
1867 tollway development agreement.

1868 (b) A toll or user fee and an increase to a toll or user fee imposed or collected on a
1869 tollway on a state highway that is the subject of a tollway development agreement shall be set
1870 in the tollway development agreement.

1871 (7) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1872 the department shall make rules:

1873 (i) necessary to establish and operate tollways on state highways;

1874 (ii) that establish standards and specifications for automatic tolling systems and
1875 automatic tollway monitoring technology; and

1876 (iii) to set the amount of a penalty for failure to pay a toll under this section.

1877 (b) The rules shall:

1878 (i) include minimum criteria for having a tollway; and

1879 (ii) conform to regional and national standards for automatic tolling.

1880 (8) (a) The commission may provide funds for public or private tollway pilot projects
1881 or high occupancy toll lanes from General Fund money appropriated by the Legislature to the
1882 commission for that purpose.

1883 (b) The commission may determine priorities and funding levels for tollways
1884 designated under this section.

1885 (9) (a) Except as provided in Subsection (9)(b), all revenue generated from a tollway

1886 on a state highway shall be deposited into the Tollway Special Revenue Fund created in
1887 Section 72-2-120 and used for any state transportation purpose.

1888 (b) Revenue generated from a tollway that is the subject of a tollway development
1889 agreement shall be deposited into the Tollway Special Revenue Fund and used in accordance
1890 with Subsection (9)(a) unless:

1891 (i) the revenue is to a private entity through the tollway development agreement; or
1892 (ii) the revenue is identified for a different purpose under the tollway development
1893 agreement.

1894 (10) Data described in Subsection (2)(e) obtained for the purposes of this section:

1895 (a) in accordance with Section 63G-2-305, is a protected record under Title 63G,
1896 Chapter 2, Government Records Access and Management Act, if the photographic or video
1897 data is maintained by a governmental entity;

1898 (b) may not be used or shared for any purpose other than the purposes described in this
1899 section;

1900 (c) may only be preserved:

1901 (i) so long as necessary to collect the payment of a toll or penalty imposed in
1902 accordance with this section; or

1903 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
1904 equivalent federal warrant; and

1905 (d) may only be disclosed:

1906 (i) in accordance with the disclosure requirements for a protected record under Section
1907 63G-2-202; or

1908 (ii) pursuant to a warrant issued under the Utah Rules of Criminal Procedure or an
1909 equivalent federal warrant.

1910 (11) (a) The department may not sell for any purpose photographic or video data
1911 captured under Subsection (2)(e)(ii).

1912 (b) The department may not share captured photographic or video data for a purpose
1913 not authorized under this section.

1914 ~~[(12) Before November 1, 2018, the Driver License Division, the Division of Motor~~
1915 ~~Vehicles, and the department shall jointly study and report findings and recommendations to~~
1916 ~~the Transportation Interim Committee regarding the use of Title 53, Chapter 3, Part 6, Drivers'~~

1917 ~~License Compact, and other methods to collect a toll or penalty under this section from:]~~

1918 ~~[(a) an owner of a motor vehicle registered outside this state; or]~~

1919 ~~[(b) a driver or lessee of a motor vehicle leased or rented for 30 days or less.]~~

1920 Section 26. Section **72-6-121** is amended to read:

1921 **72-6-121. Clean fuel vehicle decal.**

1922 (1) Subject to the requirements of this section, the department shall issue a clean fuel
1923 vehicle decal permit and a clean fuel vehicle decal to an applicant if:

1924 (a) the applicant is an owner of a vehicle:

1925 (i) powered by clean fuel that meets the standards established by the department in
1926 rules authorized under Subsection [41-6a-702\(5\)\(b\)](#); and

1927 (ii) that is registered in the state of Utah;

1928 (b) the applicant remits an application and all fees required under this section; and

1929 (c) the department has clean fuel vehicle decals available subject to the limits

1930 established by the department in accordance with Subsection [41-6a-702\(5\)\(b\)](#).

1931 (2) The department shall establish the clean fuel vehicle decal design in consultation
1932 with the Utah Highway Patrol.

1933 (3) (a) An applicant for a clean fuel vehicle decal shall pay a clean fuel vehicle decal
1934 fee established by the department in accordance with Section [63J-1-504](#).

1935 (b) Funds generated by the clean fuel vehicle decal fee may be used by the department
1936 to cover the costs incurred in issuing clean fuel vehicle decals under this section.

1937 (4) (a) The department shall issue a clean fuel vehicle decal permit and a clean fuel
1938 vehicle decal to a person who has been issued a clean fuel special group license plate prior to
1939 July 1, 2011.

1940 (b) A person who applies to the department to receive a clean fuel vehicle decal permit
1941 and a clean fuel vehicle decal under Subsection (4)(a) is not subject to the fee imposed under
1942 Subsection (3).

1943 (5) (a) An owner of a vehicle may not place a clean fuel vehicle decal on a vehicle
1944 other than the vehicle specified in the application for the clean fuel vehicle decal permit and the
1945 clean fuel vehicle decal.

1946 (b) An owner of a vehicle issued a clean fuel vehicle permit and clean fuel vehicle
1947 decal is not required to place the clean fuel vehicle decal on the vehicle specified to drive in the

1948 high occupancy lane described in Subsection [41-6a-702\(5\)](#).

1949 (c) A person operating a motor vehicle that has been issued a clean fuel vehicle decal
1950 shall:

1951 (i) in a manner consistent with Section [41-6a-1635](#), install on the windshield of the
1952 motor vehicle the clean vehicle transponder issued by the department;

1953 ~~[(†)]~~ (ii) have in the person's immediate possession the clean fuel vehicle decal permit
1954 issued by the department for the motor vehicle the person is operating; and

1955 ~~[(†)]~~ (iii) present the permit upon demand of a peace officer.

1956 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1957 department shall make rules to administer the clean fuel vehicle decal program authorized in
1958 this section.

1959 Section 27. Section **72-7-111** is enacted to read:

1960 **72-7-111. Storage of flammable, explosive, or combustible materials prohibited.**

1961 (1) As used in this section:

1962 (a) "Combustible" means a material capable of producing a usually rapid chemical
1963 process that creates heat and usually light.

1964 (b) "Explosive" means any chemical compound mixture, or device, the primary or
1965 common purpose of which is to function by explosion.

1966 (c) "Flammable" means a material capable of being easily ignited and burning quickly.

1967 (2) A person may not keep, store, or stockpile any flammable, explosive, or
1968 combustible material above ground directly beneath a bridge, overpass, viaduct, or tunnel
1969 owned or operated by a highway authority or large public transit district.

1970 (3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

1971 Section 28. Section **72-10-203.5** is amended to read:

1972 **72-10-203.5. Advisory boards of airports and extraterritorial airports.**

1973 (1) For purposes of this section:

1974 (a) "Airport owner" means the municipality, county, or airport authority that owns one
1975 or more airports.

1976 (b) "Extraterritorial airport" means an airport, including the airport facilities, real
1977 estate, or other assets related to the operation of an airport, outside the municipality or county
1978 and within the boundary of a different municipality or county.

1979 (2) (a) If an airport owner that owns an international airport also owns one or more
1980 extraterritorial airports, the airport owner shall create and maintain an advisory board as
1981 described in this section.

1982 (b) The advisory board shall advise and consult the airport owner according to the
1983 process set forth in ordinance, rule, or regulation of the airport owner.

1984 (3) (a) An advisory board described in Subsection (2) shall consist of 11 members,
1985 appointed as follows:

1986 (i) one individual from each municipality or county in which an extraterritorial airport
1987 is located, appointed:

1988 (A) according to an ordinance or policy in place in each municipality or county for
1989 appointing individuals to a board, if any; or

1990 (B) if no ordinance or policy described in Subsection (3)(a)(i)(A) exists, by the chief
1991 executive officer of the municipality or county, with advice and consent from the legislative
1992 body of the municipality or county in which the extraterritorial airport is located; and

1993 (ii) as many individuals as necessary, appointed by the chief executive officer of the
1994 airport owner, with advice and consent from the legislative body of the airport owner, when
1995 added to the individuals appointed under Subsection (3)(a)(i), to equal 11 total members on the
1996 advisory board.

1997 (b) The airport owner shall ensure that members of the advisory board have the
1998 following qualifications:

1999 (i) at least one member with experience in commercial or industrial construction
2000 projects with a budget of at least \$10,000,000; and

2001 (ii) at least one member with experience in management and oversight of an entity with
2002 an operating budget of at least \$10,000,000.

2003 (4) (a) (i) Except as provided in [~~Subsections (4)(b) and (6)(b)~~] Subsection (4)(b), the
2004 term of office for members of the advisory board shall be four years or until a successor is
2005 appointed, qualified, seated, and has taken the oath of office.

2006 (ii) A member of the advisory board may serve two terms.

2007 (b) When a vacancy occurs on the board for any reason, the replacement shall be
2008 appointed according to the procedures set forth in Subsection (3) for the member who vacated
2009 the seat, and the replacement shall serve for the remainder of the unexpired term.

2010 (5) The advisory board shall select a chair of the advisory board.

2011 [~~(6)~~(a) For an airport owner that owns and operates an extraterritorial airport as of
2012 March 9, 2017, that has an advisory board in place, the members of the advisory board may
2013 complete the member's respective current term on the advisory board.]

2014 [~~(b)~~ After March 9, 2017, and upon expiration of the current term of each member of
2015 the advisory board serving as of March 9, 2017, the airport owner shall ensure that the
2016 membership of the advisory board transitions to reflect the requirements of this section.]

2017 [~~(7)~~] (6) (a) The chief executive officer of each municipality or county in which an
2018 extraterritorial airport is located, with the advice and consent of the respective legislative body
2019 of the municipality or county, may create an extraterritorial airport advisory board to represent
2020 the interests of the extraterritorial airport.

2021 (b) The extraterritorial airport advisory boards described in Subsection [~~(7)~~(a)] (6)(a)
2022 shall meet at least quarterly, and:

2023 (i) shall provide advisory support to the member of the advisory board representing the
2024 municipality or county; and

2025 (ii) may advise in the request for proposals process of a fixed base operator for the
2026 respective extraterritorial airport.

2027 [~~(8)~~] (7) The airport owner, in consultation with the airport advisory board, shall,
2028 consistent with the requirements of federal law, study, produce an analysis, and advise
2029 regarding the highest and best use and operational strategy for each airport, including all lands,
2030 facilities, and assets owned by the airport owner.

2031 [~~(9)~~] (8) An airport owner, in consultation with the county auditor and the county
2032 assessor of a county in which an extraterritorial airport is located, shall explore in good faith
2033 whether a municipality or county where an extraterritorial airport is located receives
2034 airport-related tax disbursements to which the municipality or county is entitled.

2035 [~~(10)~~] (9) An airport owner shall report annually to the Transportation Interim
2036 Committee regarding the requirements in this section.

2037 Section 29. Section **72-10-205.5** is amended to read:

2038 **72-10-205.5. Abandoned aircraft on airport property -- Seizure and disposal.**

2039 (1) (a) As used in this section, "abandoned aircraft" means an aircraft that:

2040 (i) remains in an idle state on airport property for 45 consecutive calendar days;

- 2041 (ii) is in a wrecked, inoperative, derelict, or partially dismantled condition; and
2042 (iii) is not in the process of actively being repaired.
- 2043 (b) "Abandoned aircraft" does not include an aircraft:
2044 (i) (A) that has current FAA registration; and
2045 [~~(ii)~~] (B) that has current state registration; or
2046 [~~(iii)~~] (ii) for which evidence is shown indicating repairs are in process, including:
2047 (A) receipts for parts and labor; or
2048 (B) a statement from a mechanic making the repairs.
- 2049 (2) An airport operator may take possession and dispose of an abandoned aircraft in
2050 accordance with Subsections (3) through (5).
- 2051 (3) Upon determining that an aircraft located on airport property is abandoned, the
2052 airport operator shall:
- 2053 (a) send, by registered mail, a notice containing the information described in
2054 Subsection (4) to the last known address of the last registered owner of the aircraft; and
2055 (b) publish a notice containing the information described in Subsection (4) in a
2056 newspaper of general circulation in the county where the airport is located if:
2057 (i) the owner or the address of the owner of the aircraft is unknown; or
2058 (ii) the mailed notice is returned to the airport operator without a forwarding address.
- 2059 (4) The notice described in Subsection (3) shall include:
2060 (a) the name, if known, and the last known address, if any, of the last registered owner
2061 of the aircraft;
2062 (b) a description of the aircraft, including the identification number, the location of the
2063 aircraft, and the date the aircraft is determined abandoned;
2064 (c) a statement describing the specific grounds for the determination that the aircraft is
2065 abandoned;
2066 (d) the amount of any accrued or unpaid airport charges; and
2067 (e) a statement indicating that the airport operator intends to take possession and
2068 dispose of the aircraft if the owner of the aircraft fails to remove the aircraft from airport
2069 property, after payment in full of any charges described in Subsection (4)(d), within the later
2070 of:
2071 (i) 30 days after the day on which the notice is sent in accordance with Subsection

2072 (3)(a); or

2073 (ii) 30 days after the day on which the notice is published in accordance with
2074 Subsection (3)(b), if applicable.

2075 (5) If the owner of the abandoned aircraft fails to remove the aircraft from airport
2076 property, after payment in full of any charges described in Subsection (4)(d), within the time
2077 specified in Subsection (4)(e):

2078 (a) the abandoned aircraft becomes the property of the airport operator; and

2079 (b) the airport operator may dispose of the abandoned aircraft:

2080 (i) in the manner provided in Title 63A, Chapter 2, Part 4, Surplus Property Service; or

2081 (ii) in accordance with any other lawful method or procedure established by rule or
2082 ordinance adopted by the airport operator.

2083 (6) If an airport operator complies with the provisions of this section, the airport
2084 operator is immune from liability for the seizure and disposal of an abandoned aircraft in
2085 accordance with this section.

2086 Section 30. Section **72-17-101** is amended to read:

2087 **72-17-101. Office of Rail Safety -- Creation -- Applicability.**

2088 (1) In accordance with 49 C.F.R. Part 212, State Safety Participation Regulations, there
2089 is created within the department an Office of Rail Safety.

2090 (2) As described in 49 C.F.R. Secs. 212.105 and 212.107, to organize the Office of
2091 Rail Safety, the executive director shall:

2092 (a) enter into an agreement with the Federal Railroad Administration to participate in
2093 inspection and investigation activities; and

2094 (b) obtain certification from the Federal Railroad Administration to undertake
2095 inspection and investigative responsibilities and duties.

2096 (3) In establishing the Office of Rail Safety in accordance with the duties described in
2097 49 C.F.R. Part 212, the department may hire personnel and establish the duties of the office in
2098 phases.

2099 (4) This [~~chapter~~] part applies to:

2100 (a) a class I railroad; and

2101 (b) commuter rail.

2102 Section 31. Section **72-17-102** is amended to read:

2103 **72-17-102. Definitions.**

2104 As used in this [chapter] part:

2105 (1) "Class I railroad" means the same as that term is defined in 49 U.S.C. Sec. 20102.

2106 (2) "Commuter rail" means the same as that term is defined in Section 63N-3-602.

2107 (3) "Federal Railroad Administration" means the Federal Railroad Administration
2108 created in 49 U.S.C. Sec. 103.

2109 (4) "Office" means the Office of Rail Safety created in accordance with Section
2110 72-17-101.

2111 (5) "Railroad" means the same as that term is defined in 49 C.F.R. Sec. 200.3.

2112 Section 32. Section 77-11d-105 is amended to read:

2113 **77-11d-105. Disposition of unclaimed property.**

2114 (1) (a) If the owner of any lost or mislaid property cannot be determined or notified, or
2115 if the owner of the property is determined and notified, and fails to appear and claim the
2116 property after three months of the property's receipt by the local law enforcement agency, the
2117 agency shall:

2118 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
2119 Legal Notice Website established in Subsection 45-1-101(2)(b);

2120 (ii) post a similar notice on the public website of the political subdivision within which
2121 the law enforcement agency is located; and

2122 (iii) post a similar notice in a public place designated for notice within the law
2123 enforcement agency.

2124 (b) The notice shall:

2125 (i) give a general description of the item; and

2126 (ii) the date of intended disposition.

2127 (c) The agency may not dispose of the lost or mislaid property until at least eight days
2128 after the date of publication and posting.

2129 (2) (a) If no claim is made for the lost or mislaid property within nine days of
2130 publication and posting, the agency shall notify the person who turned the property over to the
2131 local law enforcement agency, if it was turned over by a person under Section 77-11d-103.

2132 (b) Except as provided in Subsection (4), if that person has complied with the
2133 provisions of this chapter, the person may take the lost or mislaid property if the person:

- 2134 (i) pays the costs incurred for advertising and storage; and
2135 (ii) signs a receipt for the item.
2136 (3) If the person who found the lost or mislaid property fails to take the property under
2137 the provisions of this chapter, the agency shall:
2138 (a) apply the property to a public interest use as provided in Subsection (4);
2139 (b) sell the property at public auction and apply the proceeds of the sale to a public
2140 interest use; or
2141 (c) destroy the property if it is unfit for a public interest use or sale.
2142 (4) (a) Before applying the lost or mislaid property to a public interest use, the agency
2143 having possession of the property shall obtain from the agency's legislative body:
2144 ~~[(a)]~~ (i) permission to apply the property to a public interest use; and
2145 ~~[(b)]~~ (ii) the designation and approval of the public interest use of the property.
2146 (b) If the agency is a private law enforcement agency as defined in Subsection
2147 53-19-102(4), the agency may apply the lost or mislaid property to a public interest use as
2148 provided in Subsection (4)(a) after obtaining the permission, designation, and approval of the
2149 legislative body of the municipality in which the agency is located.
2150 (5) Any person employed by a law enforcement agency who finds property may not
2151 claim or receive property under this section.
2152 Section 33. **Effective date.**
2153 This bill takes effect on May 1, 2024.