

**HIGHWAY SPONSORSHIP PROGRAM ACT**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: John Knotwell**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Transportation Code by authorizing the Department of Transportation to establish a sponsorship program.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ authorizes the Department of Transportation to establish a sponsorship program to allow for private sponsorship of certain department operational activities or other highway-related services or programs;
- ▶ requires revenues generated from a sponsorship to be deposited into the Transportation Fund to be used for certain transportation purposes;
- ▶ requires the Department of Transportation to adopt a policy on sponsorship agreements that is applicable to certain department operational activities or other highway-related services or programs;
- ▶ grants the Department of Transportation rulemaking authority to make and enforce rules regarding size, placement, and content restrictions for sponsorship advertisements; and
- ▶ establishes restrictions for certain sponsorship advertisements.

**Money Appropriated in this Bill:**

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 ENACTS:

32 [72-6-401](#), Utah Code Annotated 1953

33 [72-6-402](#), Utah Code Annotated 1953

34 [72-6-403](#), Utah Code Annotated 1953

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

37 Section 1. Section **72-6-401** is enacted to read:

38 **Part 4. Highway Sponsorship Program Act**

39 **72-6-401. Title.**

40 This part is known as the "Highway Sponsorship Program Act."

41 Section 2. Section **72-6-402** is enacted to read:

42 **72-6-402. Definitions.**

43 As used in this section:

44 (1) "Acknowledgment sign" means a sign that:

45 (a) is intended to inform the traveling public that a highway-related service, product, or  
46 monetary contribution has been sponsored by a person, firm, or entity; and

47 (b) meets all design and placement guidelines for acknowledgment signs as set forth in  
48 the most recent edition of the Manual on Uniform Traffic Control Devices for Streets and  
49 Highways adopted by the department in accordance with Section [41-6a-301](#).

50 (2) "Sponsorship agreement" means an agreement or contract between the department  
51 or its contractors and a person, firm, or entity that includes a provision authorizing an  
52 acknowledgment of the person, firm, or entity that is providing:

53 (a) the highway-related service or product; or

54 (b) a monetary contribution to pay for a portion of the highway-related service or  
55 product.

56 Section 3. Section **72-6-403** is enacted to read:

57 **72-6-403. Highway sponsorship program -- Sponsorship advertisement**  
58 **restrictions -- Rulemaking.**

59           (1) The department may establish a sponsorship program to allow for private  
 60 sponsorship of the following department operational activities or other highway-related  
 61 services or programs:

62           (a) traveler information; ~~H→ and ←H~~

63           (b) rest areas ~~H→ [;and~~

64           ~~(c) incident management services] ←H~~ .

65           (2) All revenue generated from a sponsorship authorized by this section shall be  
 66 deposited into the Transportation Fund created by Section [72-2-102](#) to be used to:

67           (a) offset costs associated with providing the service being sponsored; and

68           (b) support costs associated with operation and maintenance of the state highway  
 69 system.

70           (3) (a) The department shall adopt a policy on sponsorship agreements that is  
 71 applicable to all department operational activities or other highway-related services within the  
 72 state described in Subsection (1).

73           (b) The policy described in Subsection (3)(a) shall:

74           (i) include language requiring the department to terminate a sponsorship agreement if it  
 75 determines the sponsorship agreement or acknowledgment sign:

76           (A) presents a safety concern;

77           (B) interferes with the free and safe flow of traffic; or

78           (C) is not in the public interest; and

79           (ii) describe the sponsors and sponsorship agreements that are acceptable and  
 80 consistent with applicable state and federal laws.

81           (4) A sponsorship authorized by this section:

82           (a) may not contain:

83           (i) promotion of any substance or activity that is illegal for minors, such as alcohol,  
 84 tobacco, drugs, or gambling;

85           (ii) promotion of any political party, candidate, or issue; or

86           (iii) sexual material;

87           (b) may not resemble a traffic-control device as defined in Section [41-6a-102](#); and

88           (c) shall comply with federal outdoor advertising regulations in accordance with 23  
 89 U.S.C. Sec. 131.

90           (5) ~~Ĥ→ [(a)] ←Ĥ~~ In accordance with Title 63G, Chapter 3, Utah Administrative  
90a Rulemaking Act,  
91 the department shall make and enforce rules governing:  
92           ~~Ĥ→ [(i)] (a) ←Ĥ~~ the placement and size restrictions for acknowledgment signs at  
92a rest areas; Ĥ→ and  
93           ~~[(ii)]~~ **the placement and size restrictions for sponsorships placed on department incident**  
94 **management vehicles; and**  
95 ~~——[(iii)] (b) ←Ĥ~~ other size, placement, and content restrictions that the department  
95a determines are  
96 necessary.  
97           ~~Ĥ→ [(b)]~~ **The rules made under Subsection (5)(a) shall limit the size of an advertisement to**  
98 **no more than 35% of the total area of an incident management vehicle.**  
99 ~~——[(6)] (a)~~ **A sponsorship advertisement shall be painted or affixed by decal on an incident**  
100 **management vehicle in a manner that complies with rules adopted under Subsection (5).**  
101 ~~——[(b)] (6) ←Ĥ~~ A commercial advertiser that enters a sponsorship agreement with the  
101a department  
102 for the use of space for a sponsorship shall pay:  
103           ~~Ĥ→ [(i)] (a) ←Ĥ~~ the cost of placing the sponsorship advertisement on a  
103a sign Ĥ→ [or an incident  
104 **management vehicle]** ~~←Ĥ~~ ; and  
105           ~~Ĥ→ [(iii)] (b) ←Ĥ~~ for the removal of the sponsorship advertisement after the term  
105a of the sponsorship  
106 agreement has expired.

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**Legislative Review Note**  
as of 2-13-14 2:15 PM

**Office of Legislative Research and General Counsel**