

**TRANSPORTATION FUNDING AND GOVERNANCE
AMENDMENTS**

2021 GENERAL SESSION
STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions related to transportation, public transit, towing, and other related items.

Highlighted Provisions:

This bill:

- ▶ amends provisions related to the service of a member of the board of trustees of a large public transit district;
- ▶ amends provisions related to the disclosure and uses of accident reports;
- ▶ amends provisions related to the recovery of costs due to damages caused by an accident;
- ▶ changes the rulemaking authority related to school bus safety from the Department of Transportation to the Department of Public Safety;
- ▶ removes the requirement for certain vehicles transporting livestock to stop at a port-of-entry;
- ▶ creates a pilot program related to the Department of Public Safety and contracting with a towing management company; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **17B-2a-807.1**, as last amended by Laws of Utah 2019, Chapter 479

33 **17B-2a-808.1**, as last amended by Laws of Utah 2020, Chapter 377

34 **41-6a-404**, as last amended by Laws of Utah 2018, Chapter 162

35 **41-6a-409**, as last amended by Laws of Utah 2017, Chapter 142

36 **41-6a-1304**, as last amended by Laws of Utah 2008, Chapter 382

37 **72-2-121**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

38 **72-9-501**, as last amended by Laws of Utah 2008, Chapter 284

39 **72-9-502**, as last amended by Laws of Utah 2019, Chapter 251

40 **72-9-604**, as last amended by Laws of Utah 2020, Chapters 45 and 420



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

43 Section 1. Section **17B-2a-807.1** is amended to read:

44 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**

45 **Quorum -- Compensation -- Terms.**

46 (1) (a) For a large public transit district, the board of trustees shall consist of three
47 members appointed as described in Subsection (1)(b).

48 (b) (i) The governor, with advice and consent of the Senate, shall appoint the members
49 of the board of trustees, making an appointment from nominations given from each region
50 created in Subsection (1)(b)(ii).

51 (ii) (A) Before creation of a large public transit district, the political subdivision or
52 subdivisions forming the large public transit district shall submit to the Legislature for approval
53 a proposal for the creation of three regions for nominating members to the board of trustees of
54 the large public transit district.

55 (B) For a large public transit district created after January 1, 2019, the Legislature, after
56 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate
57 three regions for nominating members to the board of trustees of the large public transit
58 district, and further describe the process for nomination for appointment to the board of

59 trustees.

60 (c) Each nominee shall be a qualified executive with technical and administrative
61 experience and training appropriate for the position.

62 (d) The board of trustees of a large public transit district shall be full-time employees
63 of the public transit district.

64 (e) The compensation package for the board of trustees shall be determined by a local
65 advisory council as described in Section 17B-2a-808.2.

66 (f) (i) Subject to Subsection (1)(f)(iii), for a board of trustees of a large public transit
67 district, "quorum" means at least two members of the board of trustees.

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

69 (iii) A meeting of a quorum of the board of trustees of a large public transit district is
70 subject to Section 52-4-103 regarding convening of a three-member board of trustees and what
71 constitutes a public meeting.

72 (2) (a) Subject to Subsections (3), (4), and [~~(4)~~] (7), each member of the board of
73 trustees of a large public transit district shall serve for a term of four years.

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

75 (3) Each member of the board of trustees of a large public transit district shall serve at
76 the pleasure of the governor.

77 (4) The first time the board of trustees is appointed under this section, the governor
78 shall stagger the initial term of each of the members of the board of trustees as follows:

79 (a) one member of the board of trustees shall serve an initial term of two years;

80 (b) one member of the board of trustees shall serve an initial term of three years; and

81 (c) one member of the board of trustees shall serve an initial term of four years.

82 (5) The governor shall designate one member of the board of trustees as chair of the
83 board of trustees.

84 (6) (a) If a vacancy occurs, the nomination and appointment procedures to replace the
85 individual shall occur in the same manner described in Subsection (1) for the member creating
86 the vacancy.

87 (b) A replacement board member shall serve for the remainder of the unexpired term,
88 but may serve an unlimited number of terms as provided in Subsection (2)(b).

89 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy

90 within 60 days, the governor shall appoint an individual to fill the vacancy.

91 (7) Each board of trustees member shall serve until a successor is duly nominated,
92 appointed, and qualified, unless the board of trustees member is removed from office or resigns
93 or otherwise leaves office.

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

95 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
96 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

97 (1) The powers and duties of a board of trustees of a large public transit district stated
98 in this section are in addition to the powers and duties stated in Section **17B-1-301**.

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

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

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

104 (c) subject to Subsection (8), create and approve an annual budget, including the
105 issuance of bonds and other financial instruments, after consultation with the local advisory
106 council;

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

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

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

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

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

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

118 (h) annually report the public transit district's progress and expenditures related to state
119 resources to the Executive Appropriations Committee and the Infrastructure and General
120 Government Appropriations Subcommittee;

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

123 ~~[(j) (i) in partnership with the Department of Transportation, study and evaluate the~~
124 ~~feasibility of a strategic transition of a large public transit district into a state entity, and]~~

125 ~~[(ii) in partnership with the Department of Transportation, before November 30, 2019,~~
126 ~~report on the progress of the study to the Transportation Interim Committee and the~~
127 ~~Infrastructure and General Government Appropriations Subcommittee;]~~

128 ~~[(k)]~~ (j) hire, set salaries, and develop performance targets and evaluations for:

129 (i) the executive director; and

130 (ii) all chief level officers;

131 ~~[(h)]~~ (k) supervise and regulate each transit facility that the public transit district owns
132 and operates, including:

133 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
134 charges; and

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

137 ~~[(m)]~~ (l) subject to Subsection (4), control the investment of all funds assigned to the
138 district for investment, including funds:

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

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

143 ~~[(n)]~~ (m) in consultation with the local advisory council created under Section
144 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
145 Chapter 7, State Money Management Act;

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

149 ~~[(p)]~~ (o) (i) cause an annual audit of all public transit district books and accounts to be
150 made by an independent certified public accountant;

151 (ii) as soon as practicable after the close of each fiscal year, submit to each of the

152 councils of governments within the public transit district a financial report showing:

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

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

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

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

157 (D) the district's progress and efforts to improve efficiency relative to the previous

158 fiscal year; and

159 (iii) supply copies of the report under Subsection ~~[(2)(p)(ii)]~~ (2)(o)(ii) to the general

160 public upon request;

161 ~~[(r)]~~ (p) report at least annually to the Transportation Commission created in Section

162 72-1-301, which report shall include:

163 (i) the district's short-term and long-range public transit plans, including the portions of

164 applicable regional transportation plans adopted by a metropolitan planning organization

165 established under 23 U.S.C. Sec. 134; and

166 (ii) any transit capital development projects that the board of trustees would like the

167 Transportation Commission to consider;

168 ~~[(r)]~~ (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct

169 audits that the board of trustees determines, in consultation with the local advisory council

170 created in Section 17B-2a-808.2, to be the most critical to the success of the organization;

171 ~~[(s)]~~ (r) together with the local advisory council created in Section 17B-2a-808.2, hear

172 audit reports for audits conducted in accordance with Subsection ~~[(2)(p)]~~ (2)(o);

173 ~~[(t)]~~ (s) review and approve all contracts pertaining to reduced fares, and evaluate

174 existing contracts, including review of:

175 (i) how negotiations occurred;

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

177 (iii) identification and evaluation of cost shifts to offset operational costs incurred and

178 impacted by each contract offering a reduced fare;

179 ~~[(t)]~~ (t) in consultation with the local advisory council, develop and approve other

180 board policies, ordinances, and bylaws; and

181 ~~[(v)]~~ (u) review and approve any:

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

- 183 (ii) proposed change order to an existing contract if the change order:
- 184 (A) increases the total contract value to \$200,000 or more;
- 185 (B) increases a contract of or expense of \$200,000 or more by 15% or more; or
- 186 (C) has a total change order value of \$200,000 or more.
- 187 (3) A board of trustees of a large public transit district may:
- 188 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that
- 189 are:
- 190 (i) not repugnant to the United States Constitution, the Utah Constitution, or the
- 191 provisions of this part; and
- 192 (ii) necessary for:
- 193 (A) the governance and management of the affairs of the district;
- 194 (B) the execution of district powers; and
- 195 (C) carrying into effect the provisions of this part;
- 196 (b) provide by resolution, under terms and conditions the board considers fit, for the
- 197 payment of demands against the district without prior specific approval by the board, if the
- 198 payment is:
- 199 (i) for a purpose for which the expenditure has been previously approved by the board;
- 200 (ii) in an amount no greater than the amount authorized; and
- 201 (iii) approved by the executive director or other officer or deputy as the board
- 202 prescribes;
- 203 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):
- 204 (i) hold public hearings and subpoena witnesses; and
- 205 (ii) appoint district officers to conduct a hearing and require the officers to make
- 206 findings and conclusions and report them to the board; and
- 207 (d) appoint a custodian for the funds and securities under its control, subject to
- 208 Subsection [~~(2)(o)~~] (2)(n).
- 209 (4) For a large public transit district in existence as of May 8, 2018, on or before
- 210 September 30, 2019, the board of trustees of a large public transit district shall present a report
- 211 to the Transportation Interim Committee regarding retirement benefits of the district, including:
- 212 (a) the feasibility of becoming a participating employer and having retirement benefits
- 213 of eligible employees and officials covered in applicable systems and plans administered under

214 Title 49, Utah State Retirement and Insurance Benefit Act;

215 (b) any legal or contractual restrictions on any employees that are party to a collectively
216 bargained retirement plan; and

217 (c) a comparison of retirement plans offered by the large public transit district and
218 similarly situated public employees, including the costs of each plan and the value of the
219 benefit offered.

220 (5) The board of trustees may not issue a bond unless the board of trustees has
221 consulted and received approval from the State Bonding Commission created in Section
222 [63B-1-201](#).

223 (6) A member of the board of trustees of a large public transit district or a hearing
224 officer designated by the board may administer oaths and affirmations in a district investigation
225 or proceeding.

226 (7) (a) The vote of the board of trustees on each ordinance or resolution shall be by roll
227 call vote with each affirmative and negative vote recorded.

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

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

232 (8) (a) For a large public transit district in existence on May 8, 2018, for the budget for
233 calendar year 2019, the board in place on May 8, 2018, shall create the tentative annual budget.

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

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

241 Section 3. Section ~~41-6a-404~~ is amended to read:

242 **41-6a-404. Accident reports -- When confidential -- Insurance policy information**
243 **-- Use as evidence -- Penalty for false information.**

244 (1) As used in this section:

245 (a) "Accompanying data" means all materials gathered by the investigating peace
246 officer in an accident investigation including:

- 247 (i) the identity of witnesses and, if known, contact information;
- 248 (ii) witness statements;
- 249 (iii) photographs and videotapes;
- 250 (iv) diagrams; and
- 251 (v) field notes.

252 (b) "Agent" means:

- 253 (i) a person's attorney;
- 254 (ii) a person's insurer;
- 255 (iii) a general acute hospital, as defined in Section 26-21-2, that:

256 (A) has an emergency room; and

257 (B) is providing or has provided emergency services to the person in relation to the
258 accident; or

259 (iv) any other individual or entity with signed permission from the person to receive
260 the person's accident report.

261 (2) (a) Except as provided in Subsections (3) and (7), all accident reports required in
262 this part to be filed with the department:

263 (i) are without prejudice to the reporting individual;

264 (ii) are protected and for the confidential use of the department or other state, local, or
265 federal agencies having use for the records for official governmental statistical, investigative,
266 and accident prevention purposes; and

267 (iii) may be disclosed only in a statistical form that protects the privacy of any person
268 involved in the accident.

269 (b) An investigating peace officer shall include in an accident report an indication as to
270 whether the accident occurred on a highway designated as a livestock highway in accordance
271 with Section 72-3-112 if the accident resulted in the injury or death of livestock.

272 (3) (a) Subject to the provisions of this section, the department or the responsible law
273 enforcement agency employing the peace officer that investigated the accident shall disclose an
274 accident report to:

275 (i) a person involved in the accident, excluding a witness to the accident;

276 (ii) a person suffering loss or injury in the accident;
277 (iii) an agent, parent, or legal guardian of a person described in Subsections (3)(a)(i)
278 and (ii);

279 (iv) subject to Subsection (3)(d), a member of the press or broadcast news media;

280 (v) a state, local, or federal agency that uses the records for official governmental,
281 investigative, or accident prevention purposes;

282 (vi) law enforcement personnel when acting in their official governmental capacity;
283 and

284 (vii) a licensed private investigator.

285 (b) The responsible law enforcement agency employing the peace officer that
286 investigated the accident:

287 (i) shall in compliance with Subsection (3)(a):

288 (A) disclose an accident report; or

289 (B) upon written request disclose an accident report and its accompanying data within
290 10 business days from receipt of a written request for disclosure; or

291 (ii) may withhold an accident report, and any of its accompanying data if disclosure
292 would jeopardize an ongoing criminal investigation or criminal prosecution.

293 (c) In accordance with Subsection (3)(a), the department or the responsible law
294 enforcement agency employing the investigating peace officer shall disclose whether any
295 person or vehicle involved in an accident reported under this section was covered by a vehicle
296 insurance policy, and the name of the insurer.

297 (d) Information provided to a member of the press or broadcast news media under
298 Subsection (3)(a)(iv) may only include:

299 (i) the name, age, sex, and city of residence of each person involved in the accident;

300 (ii) the make and model year of each vehicle involved in the accident;

301 (iii) whether or not each person involved in the accident was covered by a vehicle
302 insurance policy;

303 (iv) the location of the accident; and

304 (v) a description of the accident that excludes personal identifying information not
305 listed in Subsection (3)(d)(i).

306 (e) The department shall disclose to any requesting person the following vehicle

307 accident history information, excluding personal identifying information, in bulk electronic
308 form:

309 (i) any vehicle identifying information that is electronically available, including the
310 make, model year, and vehicle identification number of each vehicle involved in an accident;

311 (ii) the date of the accident; and

312 (iii) any electronically available data which describes the accident, including a
313 description of any physical damage to the vehicle.

314 (f) The department may establish a fee under Section 63J-1-504 based on the fair
315 market value of the information for providing bulk vehicle accident history information under
316 Subsection (3)(e).

317 (4) (a) Except as provided in Subsection (4)(b), accident reports filed under this section
318 may not be used as evidence in any civil or criminal trial arising out of an accident.

319 (b) (i) Upon demand of any party to the trial or upon demand of any court, the
320 department shall furnish a certificate showing that a specified accident report has or has not
321 been made to the department in compliance with law.

322 (ii) If the report has been made, the certificate furnished by the department shall show:

323 (A) the date, time, and location of the accident;

324 (B) the names and addresses of the drivers;

325 (C) the owners of the vehicles involved; and

326 (D) the investigating peace officers.

327 (iii) The reports may be used as evidence when necessary to prosecute charges filed in
328 connection with a violation of Subsection (5).

329 (5) A person who gives information in reports as required in this part knowing or
330 having reason to believe that the information is false is guilty of a class A misdemeanor.

331 (6) The department and the responsible law enforcement agency employing the
332 investigating peace officer may charge a reasonable fee determined by the department under
333 Section 63J-1-504 for the cost incurred in disclosing an accident report or an accident report
334 and any of its accompanying data under Subsections (3)(a) and (b).

335 (7) (a) The Office of State Debt Collection may, in the performance of its regular
336 duties, disclose an accident report to:

337 (i) a person involved in the accident, excluding a witness to the accident;

338 (ii) an owner of a vehicle involved in the accident; [~~or~~]
339 (iii) an agent, parent, or legal guardian of a person described in Subsection (7)(a)(i) or
340 (ii)[~~;~~]; or

341 (iv) the Department of Transportation, for use in recovery of costs to replace or repair
342 public property damaged in the accident that is the subject of the report.

343 (b) A disclosure under Subsection (7)(a) does not change the classification of the
344 record as a protected record under Section 63G-2-305.

345 Section 4. Section 41-6a-409 is amended to read:

346 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

347 (1) As used in this section, "government entity" means the Department of
348 Transportation, the Utah Highway Patrol Division, or a local government entity or agency.

349 (2) A government entity:

350 (a) may not impose a flat fee, or collect a flat fee, from an individual involved in a
351 motor vehicle accident; and

352 (b) may only charge the individual for the actual cost or a reasonable estimate of the
353 cost of services provided in responding to the motor vehicle accident, limited to:

354 (i) medical costs for transporting an individual from the scene of a motor vehicle
355 accident or treating a person injured in a motor vehicle accident;

356 (ii) subject to Subsection (6), the cost for repair to or replacement of damaged public
357 property, if the individual is legally liable for the damage;

358 (iii) the cost of materials used in cleaning up the motor vehicle accident, if the
359 individual is legally liable for the motor vehicle accident; and

360 (iv) towing costs.

361 (3) If a government entity imposes a charge on more than one individual for the actual
362 cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the
363 government entity shall apportion the charges so that the government entity does not receive
364 more for responding to the motor vehicle accident than the actual response cost or a reasonable
365 estimate of the cost.

366 (4) Nothing in this section prohibits a government entity from contracting with an
367 independent contractor to recover costs related to damage to public property.

368 (5) If a government entity enters into a contract with an independent contractor to

369 recover costs related to damage to public property, the government entity may only pay the
 370 independent contractor out of any recovery received from the person who caused the damage or
 371 the responsible party.

372 (6) The costs of repair or replacement of damaged public property described in
 373 Subsection (2)(b)(ii):

374 (a) include the full cost to repair or replace the damaged public property; and
 375 (b) may not be reduced based on depreciated value of the asset at the time the damage
 376 occurs.

377 Section 5. Section **41-6a-1304** is amended to read:

378 **41-6a-1304. School buses -- Rules regarding design and operation.**

379 (1) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 380 the Department of [~~Transportation by and~~] Public Safety, with the advice of the State Board of
 381 Education [~~and the Department of Public Safety~~], shall adopt and enforce rules, not
 382 inconsistent with this chapter, to govern the design and operation of all school buses in this
 383 state when:

- 384 (i) owned and operated by any school district;
- 385 (ii) privately owned and operated under contract with a school district; or
- 386 (iii) privately owned for use by a private school.

387 (b) The rules under this Subsection (1) shall by reference be made a part of any
 388 contract with a school district or private school to operate a school bus.

389 (2) Every school district or private school, its officers and employees, and every person
 390 employed under contract by a school district or private school shall be subject to the rules
 391 under Subsection (1).

392 Section 6. Section **72-2-121** is amended to read:

393 **72-2-121. County of the First Class Highway Projects Fund.**

394 (1) There is created a special revenue fund within the Transportation Fund known as
 395 the "County of the First Class Highway Projects Fund."

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

- 397 (a) any voluntary contributions received for new construction, major renovations, and
- 398 improvements to highways within a county of the first class;

399 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)

400 deposited in or transferred to the fund;

401 (c) the portion of the sales and use tax described in Section 59-12-2217 deposited in or
402 transferred to the fund; and

403 (d) a portion of the local option highway construction and transportation corridor
404 preservation fee imposed in a county of the first class under Section 41-1a-1222 deposited in or
405 transferred to the fund.

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

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

408 (4) The executive director shall use the fund money only:

409 (a) to pay debt service and bond issuance costs for bonds issued under Sections
410 63B-16-102, 63B-18-402, and 63B-27-102;

411 (b) for right-of-way acquisition, new construction, major renovations, and
412 improvements to highways within a county of the first class and to pay any debt service and
413 bond issuance costs related to those projects, including improvements to a highway located
414 within a municipality in a county of the first class where the municipality is located within the
415 boundaries of more than a single county;

416 (c) for the construction, acquisition, use, maintenance, or operation of:

417 (i) an active transportation facility for nonmotorized vehicles;

418 (ii) multimodal transportation that connects an origin with a destination; or

419 (iii) a facility that may include a:

420 (A) pedestrian or nonmotorized vehicle trail;

421 (B) nonmotorized vehicle storage facility;

422 (C) pedestrian or vehicle bridge; or

423 (D) vehicle parking lot or parking structure;

424 (d) to transfer to the 2010 Salt Lake County Revenue Bond Sinking Fund created by
425 Section 72-2-121.3 the amount required in Subsection 72-2-121.3(4)(c) minus the amounts
426 transferred in accordance with Subsection 72-2-124(4)(a)(iv);

427 (e) for a fiscal year beginning on or after July 1, 2013, to pay debt service and bond
428 issuance costs for \$30,000,000 of the bonds issued under Section 63B-18-401 for the projects
429 described in Subsection 63B-18-401(4)(a);

430 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has

431 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
432 transfer an amount equal to 50% of the revenue generated by the local option highway
433 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in
434 a county of the first class:

435 (i) to the legislative body of a county of the first class; and

436 (ii) to be used by a county of the first class for:

437 (A) highway construction, reconstruction, or maintenance projects; or

438 (B) the enforcement of state motor vehicle and traffic laws;

439 (g) for fiscal year 2015-16 only, and after the department has verified that the amount
440 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under
441 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

442 (i) to the legislative body of a county of the first class; and

443 (ii) to be used by the county for the purposes described in this section;

444 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified
445 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the
446 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to
447 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into
448 the fund in accordance with Subsection 59-12-2214(3)(b) to:

449 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under
450 Section 63B-27-102; and

451 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been
452 deposited into the Transportation Fund;

453 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified
454 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
455 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers
456 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
457 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the
458 first class to fund a system for public transit;

459 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified
460 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after
461 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers

462 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount
463 deposited into the fund under Subsection (2)(b):

464 (i) to the legislative body of a county of the first class; and

465 (ii) to fund parking facilities in a county of the first class that facilitate significant
466 economic development and recreation and tourism within the state;

467 (k) for the 2018-19 fiscal year only, after the department has verified that the amount
468 required under Subsection 72-2-121.3(4)(c) is available in the fund and after the transfer under
469 Subsection (4)(d), the payment under Subsection (4)(e), and the transfers under Subsections
470 (4)(h), (i), and (j) have been made, to transfer \$12,000,000 to the department to distribute for
471 the following projects:

472 (i) \$2,000,000 to West Valley City for highway improvement to 4100 South;

473 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
474 6800 West to 7300 West;

475 (iii) \$1,100,000 to South Jordan for highway improvements to Grandville Avenue;

476 (iv) \$1,800,000 to Riverton for highway improvements to Old Liberty Way from 13400
477 South to 13200 South;

478 (v) \$1,000,000 to Murray City for highway improvements to 5600 South from State
479 Street to Van Winkle;

480 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
481 11400 South to 12300 South;

482 (vii) \$1,000,000 to Sandy City for right-of-way acquisition for Monroe Street;

483 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
484 10200 South from 2700 West to 3200 West;

485 (ix) \$1,000,000 to West Jordan for highway improvements to 8600 South near
486 Mountain View Corridor;

487 (x) \$700,000 to South Jordan right-of-way improvements to 10550 South; and

488 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
489 7200 West to 8000 West; and

490 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been
491 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
492 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required

493 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
494 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
495 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a
496 county of the first class and deposited into the fund in accordance with Subsection
497 59-12-2214(3)(b):

498 (i) to the legislative body of a county of the first class; and

499 (ii) to be used by the county for the purposes described in this section.

500 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
501 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
502 63B-27-102 are considered a local matching contribution for the purposes described under
503 Section 72-2-123.

504 (6) The additional administrative costs of the department to administer this fund shall
505 be paid from money in the fund.

506 (7) Notwithstanding any statutory or other restrictions on the use or expenditure of the
507 revenue sources deposited into this fund, the Department of Transportation may use the money
508 in this fund for any of the purposes detailed in Subsection (4).

509 (8) (a) For a fiscal year beginning on or after July 1, 2018, at the end of each fiscal
510 year, after all programmed payments and transfers authorized or required under this section
511 have been made, on November 30 the department shall transfer the remainder of the money in
512 the fund to the Transportation Fund to reduce the amount owed to the Transportation Fund
513 under Subsection [~~(4)(j)(ii)~~] (4)(h)(ii).

514 (b) The department shall provide notice to a county of the first class of the amount
515 transferred in accordance with this Subsection (8).

516 (9) (a) Any revenue in the fund that is not specifically allocated and obligated under
517 Subsections (4) through (8) is subject to the review process described in this Subsection (9).

518 (b) A county of the first class shall create a county transportation advisory committee
519 as described in Subsection (9)(c) to review proposed transportation and, as applicable, public
520 transit projects and rank projects for allocation of funds.

521 (c) The county transportation advisory committee described in Subsection (9)(b) shall
522 be composed of the following 13 members:

523 (i) six members who are residents of the county, nominated by the county executive

524 and confirmed by the county legislative body who are:

525 (A) members of a local advisory council of a large public transit district as defined in
526 Section 17B-2a-802;

527 (B) county council members; or

528 (C) other residents with expertise in transportation planning and funding; and

529 (ii) seven members nominated by the county executive, and confirmed by the county
530 legislative body, chosen from mayors or managers of cities or towns within the county.

531 (d) (i) A majority of the members of the county transportation advisory committee
532 constitutes a quorum.

533 (ii) The action by a quorum of the county transportation advisory committee constitutes
534 an action by the county transportation advisory committee.

535 (e) The county body shall determine:

536 (i) the length of a term of a member of the county transportation advisory committee;

537 (ii) procedures and requirements for removing a member of the county transportation
538 advisory committee;

539 (iii) voting requirements of the county transportation advisory committee;

540 (iv) chairs or other officers of the county transportation advisory committee;

541 (v) how meetings are to be called and the frequency of meetings, but not less than once
542 annually; and

543 (vi) the compensation, if any, of members of the county transportation advisory
544 committee.

545 (f) The county shall establish by ordinance criteria for prioritization and ranking of
546 projects, which may include consideration of regional and countywide economic development
547 impacts, including improved local access to:

548 (i) employment;

549 (ii) recreation;

550 (iii) commerce; and

551 (iv) residential areas.

552 (g) The county transportation advisory committee shall evaluate and rank each
553 proposed public transit project and regionally significant transportation facility according to
554 criteria developed pursuant to Subsection (9)(f).

555 (h) (i) After the review and ranking of each project as described in this section, the
556 county transportation advisory committee shall provide a report and recommend the ranked list
557 of projects to the county legislative body and county executive.

558 (ii) After review of the recommended list of projects, as part of the county budgetary
559 process, the county executive shall review the list of projects and may include in the proposed
560 budget the proposed projects for allocation, as funds are available.

561 (i) The county executive of the county of the first class, with information provided by
562 the county and relevant state entities, shall provide a report annually to the county
563 transportation advisory committee, and to the mayor or manager of each city, town, or metro
564 township in the county, including the following:

- 565 (i) the amount of revenue received into the fund during the past year;
- 566 (ii) any funds available for allocation;
- 567 (iii) funds obligated for debt service; and
- 568 (iv) the outstanding balance of transportation-related debt.

569 (10) As resources allow, the department shall study in 2020 transportation connectivity
570 in the southwest valley of Salt Lake County, including the feasibility of connecting major
571 east-west corridors to U-111.

572 Section 7. Section **72-9-501** is amended to read:

573 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
574 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**
575 **agents.**

576 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
577 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
578 including laws relating to:

- 579 (i) driver qualifications;
- 580 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
- 581 (iii) vehicle registration;
- 582 (iv) fuel tax payment;
- 583 (v) vehicle size, weight, and load;
- 584 (vi) security or insurance;
- 585 (vii) this chapter;

586 (viii) hazardous material as defined under 49 U.S.C. 5102; and
587 [~~(ix) livestock transportation; and~~]
588 [~~(x)~~] (ix) safety.

589 (b) The ports-of-entry shall be located on state highways at sites determined by the
590 department.

591 (2) (a) The ports-of-entry shall be operated and maintained by the department.

592 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,
593 and vehicle loads for compliance with state and federal laws specified in Subsection (1).

594 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
595 in this section is committed, may:

596 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;

597 (ii) request and administer chemical tests to determine blood alcohol concentration in
598 compliance with Section 41-6a-515;

599 (iii) place a driver out-of-service in accordance with Section 53-3-417; and

600 (iv) serve a driver with notice of the Driver License Division of the Department of
601 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle
602 in accordance with Section 53-3-418.

603 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
604 port-of-entry agent who is not a peace officer or special function officer designated under Title
605 53, Chapter 13, Peace Officer Classifications.

606 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources
607 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections
608 23-27-301 and 23-27-302.

609 (b) The department is not responsible for decontaminating a conveyance or equipment
610 detained or quarantined.

611 (c) The Division of Wildlife Resources may decontaminate, as defined in Section
612 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

613 Section 8. Section 72-9-502 is amended to read:

614 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**
615 **Rulemaking -- By-pass permits.**

616 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross

617 vehicle weight of 10,001 pounds or more [~~or any motor vehicle carrying livestock as defined in~~
618 ~~Section 4-24-102~~] shall stop at a port-of-entry as required under this section.

619 (2) The department may erect and maintain signs directing motor vehicles to a
620 port-of-entry as provided in this section.

621 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt
622 from this section if:

623 (a) the total one-way trip distance for the motor vehicle would be increased by more
624 than 5% or three miles, whichever is greater if diverted to a port-of-entry;

625 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit
626 issued under Subsection (4); or

627 (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102
628 being operated only incidentally on a highway as described in Section 41-1a-202.

629 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
630 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit
631 exempting a motor vehicle from the provisions of Subsection (1) if the department determines
632 that the permit is needed to accommodate highway transportation needs due to multiple daily or
633 weekly trips in the proximity of a port-of-entry.

634 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a
635 motor carrier for multiple motor vehicles.

636 Section 9. Section 72-9-604 is amended to read:

637 **72-9-604. Preemption of local authorities -- Tow trucks.**

638 (1) (a) Notwithstanding any other provision of law, a political subdivision of this state
639 may neither enact nor enforce any ordinance, regulation, or rule pertaining to a tow truck motor
640 carrier, tow truck operator, or tow truck that conflicts with:

641 (i) any provision of this part;

642 (ii) Section 41-6a-1401;

643 (iii) Section 41-6a-1407; or

644 (iv) rules made by the department under this part.

645 (b) A county or municipal legislative governing body may not charge a fee for the
646 storage of an impounded vehicle, vessel, or outboard motor if the county or municipality:

647 (i) is holding the vehicle, vessel, or outboard motor as evidence; and

648 (ii) will not release the vehicle, vessel, or outboard motor to the registered owner, lien
649 holder, or the owner's agent even if the registered owner, lien holder, or the owner's agent
650 satisfies the requirements to release the vehicle, vessel, or outboard motor under Section
651 [41-6a-1406](#).

652 (2) A tow truck motor carrier that has a county or municipal business license for a
653 place of business located within that county or municipality may not be required to obtain
654 another business license in order to perform a tow truck service in another county or
655 municipality if there is not a business location in the other county or municipality.

656 (3) A county or municipal legislative or governing body may not require a tow truck
657 motor carrier, tow truck, or tow truck operator that has been issued a current, authorized towing
658 certificate by the department, as described in Section [72-9-602](#), to obtain an additional towing
659 certificate.

660 (4) A county or municipal legislative body may require an annual tow truck safety
661 inspection in addition to the inspections required under Sections [53-8-205](#) and [72-9-602](#) if:

662 (a) no fee is charged for the inspection; and

663 (b) the inspection complies with federal motor carrier safety regulations.

664 (5) A tow truck shall be subject to only one annual safety inspection under Subsection
665 (4)(b). A county or municipality that requires the additional annual safety inspection shall
666 accept the same inspection performed by another county or municipality.

667 (6) (a) (i) Beginning on July 1, 2021, except as provided in Subsection (6)(a)(ii) or
668 (6)(e), a political subdivision or state agency may not charge an applicant a fee or charge
669 related to dispatch costs in order to be part of the towing rotation of that political subdivision or
670 state agency.

671 (ii) Notwithstanding Subsection (6)(a)(i), a special service district under Title 17D,
672 Chapter 1, Special Service District Act, may charge an applicant a fee or charge related to
673 dispatch costs in order to be part of the towing rotation of that special service district.

674 (b) In addition to the fees set by the department in rules made in accordance with
675 Subsection [72-9-603](#)(16), a tow truck motor carrier may charge a fee to cover the costs of a
676 dispatch charge described in Subsection (6)(a).

677 (c) The amount of the fee described in Subsection (6)(b) may not exceed the amount
678 charged to the tow truck motor carrier for dispatch services under Subsection (6)(a).

679 (d) A political subdivision or state agency that does not charge a dispatch fee as of
680 January 1, 2019, may not charge a dispatch fee described in Subsection (6)(a)(i).

681 (e) (i) Notwithstanding Subsection (6)(a)(i), the Department of Public Safety may
682 establish a pilot program in one county and contract with a tow management company for the
683 purposes of increasing efficiency, effectiveness, and transparency in towing dispatch and
684 towing rotation management.

685 (ii) The tow management company for the pilot program shall be selected using the
686 standard procurement process through a request for proposals.

687 (iii) (A) Consistent with the contract described in Subsection (6)(e)(i), the tow
688 management company may charge a fee to an applicant as part of the management of the
689 towing rotation.

690 (B) The tow truck motor carrier may include a charge, not to exceed the fee of the tow
691 management company, as part of the charges allowable for tow services under the towing
692 rotation.

693 (iv) The pilot program described in this Subsection (6)(e) may remain in place until
694 December 31, 2023.

695 (7) A towing entity may not require a tow truck operator who has received an
696 authorized towing certificate from the department to submit additional criminal background
697 check information for inclusion of the tow truck motor carrier on a rotation.

698 (8) If a tow truck motor carrier is dispatched as part of a towing rotation, the tow truck
699 operator that responds may not respond to the location in a tow truck that is owned by a tow
700 truck motor carrier that is different than the tow truck motor carrier that was dispatched.