

Senator Wayne A. Harper proposes the following substitute bill:

TRANSPORTATION AMENDMENTS

2021 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 transportation, public transit, towing, motor vehicle dealers, and other related items.

Highlighted Provisions:

This bill:

- ▶ requires a government entity that leases motor vehicles from another person to lease the motor vehicles for a certain period of time;
- ▶ 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 definition of a dealer of motor vehicles;
- ▶ requires the registration of a vehicle subject to a lease to include the name of the lessee;
- ▶ modifies provisions related to the costs of repair or replacement of damaged public property;
- ▶ changes the rulemaking authority related to school bus safety from the Department of Transportation to the Department of Public Safety;
- ▶ allows the Department of Public Safety to issue a request for information to evaluate options for creating a pilot program related to contracting with a towing



26 management company and requires the department to report to the Transportation Interim
27 Committee;

28 ▶ removes the requirement for certain vehicles transporting livestock to stop at a
29 port-of-entry;

30 ▶ amends provisions related to the use of certain funds for public transit projects that
31 increase capacity; and

32 ▶ makes technical changes.

33 Money Appropriated in this Bill:

34 None

35 Other Special Clauses:

36 None

37 Utah Code Sections Affected:

38 AMENDS:

39 **17B-2a-807.1**, as last amended by Laws of Utah 2019, Chapter 479

40 **17B-2a-808.1**, as last amended by Laws of Utah 2020, Chapter 377

41 **41-1a-203**, as last amended by Laws of Utah 2019, Chapter 479

42 **41-1a-209**, as last amended by Laws of Utah 2005, Chapter 47

43 **41-3-102**, as last amended by Laws of Utah 2020, Chapter 367

44 **41-6a-409**, as last amended by Laws of Utah 2017, Chapter 142

45 **41-6a-1304**, as last amended by Laws of Utah 2008, Chapter 382

46 **63I-2-253**, as last amended by Laws of Utah 2020, Sixth Special Session, Chapter 13

47 **72-1-304**, as last amended by Laws of Utah 2020, Chapter 377

48 **72-2-121**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 20

49 **72-2-124**, as last amended by Laws of Utah 2020, Chapters 366 and 377

50 **72-9-501**, as last amended by Laws of Utah 2008, Chapter 284

51 **72-9-502**, as last amended by Laws of Utah 2019, Chapter 251

52 ENACTS:

53 **11-65-101**, Utah Code Annotated 1953

54 **11-65-102**, Utah Code Annotated 1953

55 **53-1-106.1**, Utah Code Annotated 1953

56 **63A-9-404**, Utah Code Annotated 1953

57

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

59 Section 1. Section **11-65-101** is enacted to read:

60 **CHAPTER 65. MISCELLANEOUS**

61 **Part 1. Leasing of Motor Vehicles**

62 **11-65-101. Definitions.**

63 As used in this part:

64 (1) "Local government entity" means a county, city, town, metro township, local
65 district, community reinvestment agency, special service district, local building authority,
66 conservation district, school district, or other unit of local government.

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

68 Section 2. Section **11-65-102** is enacted to read:

69 **11-65-102. Lease of a motor vehicle by a government entity.**

70 (1) A local government entity that leases a motor vehicle from a lessor may not lease
71 the motor vehicle for less than three years or 60,000 miles of use, whichever comes first.

72 (2) Subsection (1) applies to a motor vehicle lease that a local government entity enters
73 into on or after May 5, 2021.

74 Section 3. Section **17B-2a-807.1** is amended to read:

75 **17B-2a-807.1. Large public transit district board of trustees -- Appointment --**
76 **Quorum -- Compensation -- Terms.**

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

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

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

86 (B) For a large public transit district created after January 1, 2019, the Legislature, after
87 receiving and considering the proposal described in Subsection (1)(b)(ii)(A), shall designate

88 three regions for nominating members to the board of trustees of the large public transit
89 district, and further describe the process for nomination for appointment to the board of
90 trustees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

118 (b) A replacement board member shall serve for the remainder of the unexpired term,

119 but may serve an unlimited number of terms as provided in Subsection (2)(b).

120 (c) If the nominating officials under Subsection (1) do not nominate to fill the vacancy
121 within 60 days, the governor shall appoint an individual to fill the vacancy.

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

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

126 **17B-2a-808.1. Large public transit district board of trustees powers and duties --**
127 **Adoption of ordinances, resolutions, or orders -- Effective date of ordinances.**

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

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

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

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

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

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

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

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

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

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

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

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

150 resources to the Executive Appropriations Committee and the Infrastructure and General
151 Government Appropriations Subcommittee;

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

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

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

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

160 (i) the executive director; and

161 (ii) all chief level officers;

162 ~~[(l)]~~ (k) supervise and regulate each transit facility that the public transit district owns
163 and operates, including:

164 (i) fix rates, fares, rentals, charges and any classifications of rates, fares, rentals, and
165 charges; and

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

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

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

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

174 ~~[(n)]~~ (m) in consultation with the local advisory council created under Section
175 [17B-2a-808.2](#), invest all funds according to the procedures and requirements of Title 51,
176 Chapter 7, State Money Management Act;

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

180 ~~[(p)]~~ (o) (i) cause an annual audit of all public transit district books and accounts to be

181 made by an independent certified public accountant;

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

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

185 (B) an accounting of the expenditures of all local sales and use tax revenues generated
186 under Title 59, Chapter 12, Part 22, Local Option Sales and Use Taxes for Transportation Act;

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

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

190 (iii) supply copies of the report under Subsection [~~(2)(p)(ii)~~] (2)(o)(ii) to the general
191 public upon request;

192 [~~(q)~~] (p) report at least annually to the Transportation Commission created in Section
193 72-1-301, which report shall include:

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

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

199 [~~(r)~~] (q) direct the internal auditor appointed under Section 17B-2a-810 to conduct
200 audits that the board of trustees determines, in consultation with the local advisory council
201 created in Section 17B-2a-808.2, to be the most critical to the success of the organization;

202 [~~(s)~~] (r) together with the local advisory council created in Section 17B-2a-808.2, hear
203 audit reports for audits conducted in accordance with Subsection [~~(2)(p)~~] (2)(o);

204 [~~(t)~~] (s) review and approve all contracts pertaining to reduced fares, and evaluate
205 existing contracts, including review of:

206 (i) how negotiations occurred;

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

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

210 [~~(u)~~] (t) in consultation with the local advisory council, develop and approve other
211 board policies, ordinances, and bylaws; and

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

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

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

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

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

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

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

219 (a) subject to Subsection (5), make and pass ordinances, resolutions, and orders that

220 are:

221 (i) not repugnant to the United States Constitution, the Utah Constitution, or the

222 provisions of this part; and

223 (ii) necessary for:

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

225 (B) the execution of district powers; and

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

227 (b) provide by resolution, under terms and conditions the board considers fit, for the

228 payment of demands against the district without prior specific approval by the board, if the

229 payment is:

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

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

232 (iii) approved by the executive director or other officer or deputy as the board

233 prescribes;

234 (c) in consultation with the local advisory council created in Section [17B-2a-808.2](#):

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

236 (ii) appoint district officers to conduct a hearing and require the officers to make

237 findings and conclusions and report them to the board; and

238 (d) appoint a custodian for the funds and securities under its control, subject to

239 Subsection [~~(2)(o)~~] (2)(n).

240 (4) For a large public transit district in existence as of May 8, 2018, on or before

241 September 30, 2019, the board of trustees of a large public transit district shall present a report

242 to the Transportation Interim Committee regarding retirement benefits of the district, including:

243 (a) the feasibility of becoming a participating employer and having retirement benefits
244 of eligible employees and officials covered in applicable systems and plans administered under
245 Title 49, Utah State Retirement and Insurance Benefit Act;

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

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

251 (5) The board of trustees may not issue a bond unless the board of trustees has
252 consulted and received approval from the State Bonding Commission created in Section
253 [63B-1-201](#).

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

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

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

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

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

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

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

272 Section 5. Section **41-1a-203** is amended to read:

273 **41-1a-203. Prerequisites for registration, transfer of ownership, or registration**

274 **renewal.**

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

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

277 (b) obtain a certificate of emissions inspection, if required in the current year, as

278 provided under Section 41-6a-1642;

279 (c) pay property taxes, the in lieu fee, or receive a property tax clearance under Section

280 41-1a-206 or 41-1a-207;

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

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

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

284 applicable;

285 (g) pay the motor carrier fee under Section 41-1a-1219, if applicable;

286 (h) pay any applicable local emissions compliance fee under Section 41-1a-1223; and

287 (i) pay the taxes applicable under Title 59, Chapter 12, Sales and Use Tax Act.

288 (2) In addition to the requirements in Subsection (1), an owner of a vehicle that has not

289 been previously registered or that is currently registered under a previous owner's name shall

290 apply for a valid certificate of title in the owner's name before registration.

291 (3) If a vehicle is subject to an agreement to lease, the registration certificate shall

292 include the name of the lessee.

293 [~~(3)~~] (4) The division may not issue a new registration, transfer of ownership, or

294 registration renewal under Section 73-18-7 for a vessel or outboard motor that is subject to this

295 chapter unless a certificate of title has been or is in the process of being issued in the same

296 owner's name.

297 [~~(4)~~] (5) The division may not issue a new registration, transfer of ownership, or

298 registration renewal under Section 41-22-3 for an off-highway vehicle that is subject to this

299 chapter unless a certificate of title has been or is in the process of being issued in the same

300 owner's name.

301 [~~(5)~~] (6) The division may not issue a registration renewal for a motor vehicle if the

302 division has received a hold request for the motor vehicle for which a registration renewal has

303 been requested as described in:

304 (a) Section 72-1-213.1; or

305 (b) Section 72-6-118.

306 Section 6. Section 41-1a-209 is amended to read:

307 **41-1a-209. Application for registration -- Contents.**

308 (1) An owner of a vehicle subject to registration under this part shall apply to the
309 division for registration on forms furnished by the division.

310 (2) The application for registration shall include:

311 (a) the signature of an owner of the vehicle to be registered;

312 (b) the name, bona fide residence and mailing address of the owner, or business
313 address of the owner if the owner is a firm, association, or corporation;

314 (c) a description of the vehicle including the make, model, type of body, the model year
315 as specified by the manufacturer, the number of cylinders, and the identification number of the
316 vehicle; [~~and~~]

317 (d) other information required by the division to enable it to determine whether the
318 owner is lawfully entitled to register the vehicle[-]; and

319 (e) if the vehicle is subject to an agreement to lease, the name of the lessee.

320 Section 7. Section 41-3-102 is amended to read:

321 **41-3-102. Definitions.**

322 As used in this chapter:

323 (1) "Administrator" means the motor vehicle enforcement administrator.

324 (2) "Agent" means a person other than a holder of any dealer's or salesperson's license
325 issued under this chapter, who for salary, commission, or compensation of any kind, negotiates
326 in any way for the sale, purchase, order, or exchange of three or more motor vehicles for any
327 other person in any 12-month period.

328 (3) "Auction" means a dealer engaged in the business of auctioning motor vehicles,
329 either owned or consigned, to the general public.

330 (4) "Authorized service center" means an entity that:

331 (a) is in the business of repairing exclusively the motor vehicles of the same line-make
332 as the motor vehicles a single direct-sale manufacturer manufactures;

333 (b) the direct-sale manufacturer described in Subsection (4)(a) authorizes to complete
334 warranty repair work for motor vehicles that the direct-sale manufacturer sells, displays for
335 sale, or offers for sale or exchange; and

336 (c) conducts business primarily from an enclosed commercial repair facility that is
337 permanently located in the state.

338 (5) "Board" means the advisory board created in Section 41-3-106.

339 (6) "Body shop" means a person engaged in rebuilding, restoring, repairing, or painting
340 the body of motor vehicles for compensation.

341 (7) "Commission" means the State Tax Commission.

342 (8) "Crusher" means a person who crushes or shreds motor vehicles subject to
343 registration under Title 41, Chapter 1a, Motor Vehicle Act, to reduce the useable materials and
344 metals to a more compact size for recycling.

345 (9) (a) "Dealer" means a person:

346 (i) whose business in whole or in part involves selling or leasing new, used, or new and
347 used motor vehicles or off-highway vehicles; and

348 (ii) who sells, leases, displays for sale or lease, or offers for sale, lease, or exchange
349 three or more new or used motor vehicles or off-highway vehicles in any 12-month period.

350 (b) "Dealer" includes a representative or consignee of any dealer.

351 (10) "Direct-sale manufacturer" means a person:

352 (a) that is both a manufacturer and a dealer;

353 (b) that, in this state, sells, displays for sale, or offers for sale or exchange only new
354 motor vehicles of the person's own line-make that are:

355 (i) exclusively propelled through the use of electricity, a hydrogen fuel cell, or another
356 non-fossil fuel source;

357 (ii) (A) passenger vehicles with a gross vehicle weight rating of 14,000 pounds or less;
358 or

359 (B) trucks with a gross vehicle weight rating of 14,000 pounds or less; and

360 (iii) manufactured by the person;

361 (c) that is not a franchise holder;

362 (d) that is domiciled in the United States; and

363 (e) whose chief officers direct, control, and coordinate the person's activities as a
364 direct-sale manufacturer from a physical location in the United States.

365 (11) "Direct-sale manufacturer salesperson" means an individual who for a salary,
366 commission, or compensation of any kind, is employed either directly, indirectly, regularly, or

367 occasionally by a direct-sale manufacturer to sell, purchase, or exchange or to negotiate for the
368 sale, purchase, or exchange of a motor vehicle manufactured by the direct-sale manufacturer
369 who employs the individual.

370 (12) (a) "Dismantler" means a person engaged in the business of dismantling motor
371 vehicles subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, for the resale of
372 parts or for salvage.

373 (b) "Dismantler" includes a person who dismantles three or more motor vehicles in any
374 12-month period.

375 (13) "Distributor" means a person who has a franchise from a manufacturer of motor
376 vehicles to distribute motor vehicles within this state and who in whole or in part sells or
377 distributes new motor vehicles to dealers or who maintains distributor representatives.

378 (14) "Distributor branch" means a branch office similarly maintained by a distributor
379 for the same purposes a factory branch is maintained.

380 (15) "Distributor representative" means a person and each officer and employee of the
381 person engaged as a representative of a distributor or distributor branch of motor vehicles to
382 make or promote the sale of the distributor or the distributor branch's motor vehicles, or for
383 supervising or contacting dealers or prospective dealers of the distributor or the distributor
384 branch.

385 (16) "Division" means the Motor Vehicle Enforcement Division created in Section
386 [41-3-104](#).

387 (17) "Factory branch" means a branch office maintained by a person who manufactures
388 or assembles motor vehicles for sale to distributors, motor vehicle dealers, or who directs or
389 supervises the factory branch's representatives.

390 (18) "Factory representative" means a person and each officer and employee of the
391 person engaged as a representative of a manufacturer of motor vehicles or by a factory branch
392 to make or promote the sale of the manufacturer's or factory branch's motor vehicles, or for
393 supervising or contacting the dealers or prospective dealers of the manufacturer or the factory
394 branch.

395 (19) (a) "Franchise" means a contract or agreement between a dealer and a
396 manufacturer of new motor vehicles or a manufacturer's distributor or factory branch by which
397 the dealer is authorized to sell any specified make or makes of new motor vehicles.

398 (b) "Franchise" includes a contract or agreement described in Subsection (19)(a)
399 regardless of whether the contract or agreement is subject to Title 13, Chapter 14, New
400 Automobile Franchise Act, Title 13, Chapter 35, Powersport Vehicle Franchise Act, or neither.

401 (20) (a) "Franchise holder" means a manufacturer who:

402 (i) previously had a franchised dealer in the United States;

403 (ii) currently has a franchised dealer in the United States;

404 (iii) is a successor to another manufacturer who previously had or currently has a
405 franchised dealer in the United States;

406 (iv) is a material owner of another manufacturer who previously had or currently has a
407 franchised dealer in the United States;

408 (v) is under legal or common ownership, or practical control, with another
409 manufacturer who previously had or currently has a franchised dealer in the United States; or

410 (vi) is in a partnership, joint venture, or similar arrangement for production of a
411 commonly owned line-make with another manufacturer who previously had or currently has a
412 franchised dealer in the United States.

413 (b) "Franchise holder" does not include a manufacturer described in Subsection (20)(a),
414 if at all times during the franchised dealer's existence, the manufacturer had legal or practical
415 common ownership or common control with the franchised dealer.

416 (21) (a) "Lease" means a transfer of the right to possession and use of a new or used
417 motor vehicle for a term, in return for consideration.

418 (b) "Lease" includes a sublease.

419 [~~21~~] (22) "Line-make" means motor vehicles that are offered for sale, lease, or
420 distribution under a common name, trademark, service mark, or brand name of the
421 manufacturer.

422 [~~22~~] (23) "Manufacturer" means a person engaged in the business of constructing or
423 assembling new motor vehicles, ownership of which is customarily transferred by a
424 manufacturer's statement or certificate of origin, or a person who constructs three or more new
425 motor vehicles in any 12-month period.

426 [~~23~~] (24) "Material owner" means a person who possesses, directly or indirectly, the
427 power to direct, or cause the direction of, the management, policies, or activities of another
428 person:

- 429 (a) through ownership of voting securities;
- 430 (b) by contract or credit arrangement; or
- 431 (c) in another way not described in Subsections (23)(a) and (b).
- 432 ~~[(24)]~~ (25) (a) "Motor vehicle" means a vehicle that is:
- 433 (i) self-propelled;
- 434 (ii) a trailer;
- 435 (iii) a travel trailer;
- 436 (iv) a semitrailer;
- 437 (v) an off-highway vehicle; or
- 438 (vi) a small trailer.
- 439 (b) "Motor vehicle" does not include:
- 440 (i) mobile homes as defined in Section 41-1a-102;
- 441 (ii) trailers of 750 pounds or less unladen weight;
- 442 (iii) a farm tractor or other machine or tool used in the production, harvesting, or care of
- 443 a farm product; and
- 444 (iv) park model recreational vehicles as defined in Section 41-1a-102.
- 445 ~~[(25)]~~ (26) "Motorcycle" means the same as that term is defined in Section 41-1a-102.
- 446 ~~[(26)]~~ (27) "New motor vehicle" means a motor vehicle that:
- 447 (a) has never been titled or registered; and
- 448 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
- 449 less than 7,500 miles.
- 450 ~~[(27)]~~ (28) "Off-highway vehicle" means the same as that term is defined in Section
- 451 41-22-2.
- 452 ~~[(28)]~~ (29) "Pawnbroker" means a person whose business is to lend money on security
- 453 of personal property deposited with him.
- 454 ~~[(29)]~~ (30) (a) "Principal place of business" means a site or location in this state:
- 455 (i) devoted exclusively to the business for which the dealer, manufacturer,
- 456 remanufacturer, transporter, dismantler, crusher, or body shop is licensed, and businesses
- 457 incidental to them;
- 458 (ii) sufficiently bounded by fence, chain, posts, or otherwise marked to definitely
- 459 indicate the boundary and to admit a definite description with space adequate to permit the

460 display of three or more new, or new and used, or used motor vehicles and sufficient parking
461 for the public; and

462 (iii) that includes a permanent enclosed building or structure large enough to
463 accommodate the office of the establishment and to provide a safe place to keep the books and
464 other records of the business, at which the principal portion of the business is conducted and
465 the books and records kept and maintained.

466 (b) "Principal place of business" means, with respect to a direct-sale manufacturer, the
467 direct-sale manufacturer's showroom, which shall comply with the requirements of Subsection
468 ~~[(29)]~~ (30)(a).

469 ~~[(30)]~~ (31) "Remanufacturer" means a person who reconstructs used motor vehicles
470 subject to registration under Title 41, Chapter 1a, Motor Vehicle Act, to change the body style
471 and appearance of the motor vehicle or who constructs or assembles motor vehicles from used
472 or new and used motor vehicle parts, or who reconstructs, constructs, or assembles three or
473 more motor vehicles in any 12-month period.

474 ~~[(31)]~~ (32) "Salesperson" means an individual who for a salary, commission, or
475 compensation of any kind, is employed either directly, indirectly, regularly, or occasionally by
476 any new motor vehicle dealer or used motor vehicle dealer to sell, purchase, or exchange or to
477 negotiate for the sale, purchase, or exchange of motor vehicles.

478 ~~[(32)]~~ (33) "Semitrailer" means the same as that term is defined in Section [41-1a-102](#).

479 ~~[(33)]~~ (34) "Showroom" means a site or location in the state that a direct-sale
480 manufacturer uses for the direct-sale manufacturer's business, including the display and
481 demonstration of new motor vehicles that are exclusively of the same line-make that the
482 direct-sale manufacturer manufactures.

483 ~~[(34)]~~ (35) "Small trailer" means a trailer that has an unladen weight of:

484 (a) more than 750 pounds; and

485 (b) less than 2,000 pounds.

486 ~~[(35)]~~ (36) "Special equipment" includes a truck mounted crane, cherry picker, material
487 lift, post hole digger, and a utility or service body.

488 ~~[(36)]~~ (37) "Special equipment dealer" means a new or new and used motor vehicle
489 dealer engaged in the business of buying new incomplete motor vehicles with a gross vehicle
490 weight of 12,000 or more pounds and installing special equipment on the incomplete motor

491 vehicle.

492 [~~(37)~~] (38) "Trailer" means the same as that term is defined in Section 41-1a-102.

493 [~~(38)~~] (39) "Transporter" means a person engaged in the business of transporting motor
494 vehicles as described in Section 41-3-202.

495 [~~(39)~~] (40) "Travel trailer" means the same as that term is defined in Section
496 41-1a-102.

497 [~~(40)~~] (41) "Used motor vehicle" means a vehicle that:

498 (a) has been titled and registered to a purchaser other than a dealer; or

499 (b) for a motor vehicle that is not a trailer, travel trailer, or semitrailer, has been driven
500 7,500 or more miles.

501 [~~(41)~~] (42) "Wholesale motor vehicle auction" means a dealer primarily engaged in the
502 business of auctioning consigned motor vehicles to dealers or dismantlers who are licensed by
503 this or any other jurisdiction.

504 Section 8. Section 41-6a-409 is amended to read:

505 **41-6a-409. Prohibition of flat response fee for motor vehicle accident.**

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

508 (2) A government entity:

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

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

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

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

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

519 (iv) towing costs.

520 (3) If a government entity imposes a charge on more than one individual for the actual
521 cost or a reasonable estimate of the cost of responding to a motor vehicle accident, the

522 government entity shall apportion the charges so that the government entity does not receive
523 more for responding to the motor vehicle accident than the actual response cost or a reasonable
524 estimate of the cost.

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

527 (5) If a government entity enters into a contract with an independent contractor to
528 recover costs related to damage to public property, the government entity may only pay the
529 independent contractor out of any recovery received from the person who caused the damage or
530 the responsible party.

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

533 (a) include the full cost to repair or replace the damaged public property; and

534 (b) may not be reduced based on depreciated value of the asset at the time the damage
535 occurs.

536 Section 9. Section **41-6a-1304** is amended to read:

537 **41-6a-1304. School buses -- Rules regarding design and operation.**

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

543 (i) owned and operated by any school district;

544 (ii) privately owned and operated under contract with a school district; or

545 (iii) privately owned for use by a private school.

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

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

551 Section 10. Section **53-1-106.1** is enacted to read:

552 **53-1-106.1. Public-private partnership for tow rotation services.**

553 (1) The department may issue a request for information under Section 63G-6a-409 to
554 evaluate the availability of vendors, products, and technology capable of increasing efficiency,
555 effectiveness, and transparency in the dispatching of towing providers and management of
556 towing rotations in areas of high volume and urban traffic that experience high demand for tow
557 truck services.

558 (2) The department shall evaluate responses to a request for information described in
559 Subsection (1) for:

560 (a) the following requirements and capabilities:

561 (i) decreasing delays associated with requesting and dispatching a tow truck motor
562 carrier from an established tow rotation;

563 (ii) increasing information, transparency, and data collection associated with tow
564 rotation operations, including dispatching, response time, completion, clearance, and storage;
565 and

566 (iii) increasing responder and traffic safety by reducing secondary crashes, responder
567 time on scene, and the impacts of traffic accidents on traffic flow and safety; and

568 (b) costs and distribution of costs for the implementation of product programs,
569 equipment, technology, and other requirements.

570 (3) (a) The department shall report the department's findings and evaluation of any
571 request for information described in Subsection (1) to the Transportation Interim Committee no
572 later than November 30, 2021.

573 (b) Upon receipt of a report described in Subsection (3)(a), the Transportation Interim
574 Committee shall:

575 (i) review the department's evaluation of the responses to the request for information in
576 accordance with Subsection (2); and

577 (ii) if the Transportation Interim Committee determines appropriate, recommend
578 legislation that creates a pilot program for a public-private partnership related to towing
579 rotation management.

580 Section 11. Section 63A-9-404 is enacted to read:

581 **63A-9-404. Leasing of vehicles.**

582 (1) The division may not lease a motor vehicle from a lessor for less than three years or
583 60,000 miles of use, whichever comes first.

584 (2) Subsection (1) applies to a motor vehicle lease that the division enters into on or
585 after May 5, 2021.

586 Section 12. Section **63I-2-253** is amended to read:

587 **63I-2-253. Repeal dates -- Titles 53 through 53G.**

588 (1) Section 53-1-106.1 is repealed January 1, 2022.

589 [~~1~~] (2) (a) Section **53-2a-217**, regarding procurement during an epidemic or pandemic
590 emergency, is repealed on December 31, 2021.

591 (b) When repealing Section **53-2a-217**, the Office of Legislative Research and General
592 Counsel shall, in addition to the office's authority under Subsection **36-12-12(3)**, make
593 necessary changes to subsection numbering and cross references.

594 [~~2~~] (3) Section **53B-2a-103** is repealed July 1, 2021.

595 [~~3~~] (4) Section **53B-2a-104** is repealed July 1, 2021.

596 [~~4~~] (5) (a) Subsection **53B-2a-108(5)**, regarding exceptions to the composition of a
597 technical college board of trustees, is repealed July 1, 2022.

598 (b) When repealing Subsection **53B-2a-108(5)**, the Office of Legislative Research and
599 General Counsel shall, in addition to its authority under Subsection **36-12-12(3)**, make
600 necessary changes to subsection numbering and cross references.

601 [~~5~~] (6) Section **53B-6-105.7** is repealed July 1, 2024.

602 [~~6~~] (7) (a) Subsection **53B-7-705(6)(b)(ii)(A)**, the language that states "Except as
603 provided in Subsection (6)(b)(ii)(B)," is repealed July 1, 2021.

604 (b) Subsection **53B-7-705(6)(b)(ii)(B)**, regarding comparing a technical college's
605 change in performance with the technical college's average performance, is repealed July 1,
606 2021.

607 [~~7~~] (8) (a) Subsection **53B-7-707(3)(a)(ii)**, the language that states "Except as
608 provided in Subsection (3)(b)," is repealed July 1, 2021.

609 (b) Subsection **53B-7-707(3)(b)**, regarding performance data of a technical college
610 during a fiscal year before fiscal year 2020, is repealed July 1, 2021.

611 [~~8~~] (9) Section **53B-8-114** is repealed July 1, 2024.

612 [~~9~~] (10) (a) The following sections, regarding the Regents' scholarship program, are
613 repealed on July 1, 2023:

614 (i) Section **53B-8-202**;

615 (ii) Section [53B-8-203](#);

616 (iii) Section [53B-8-204](#); and

617 (iv) Section [53B-8-205](#).

618 (b) (i) Subsection [53B-8-201](#)(2), regarding the Regents' scholarship program for
619 students who graduate from high school before fiscal year 2019, is repealed on July 1, 2023.

620 (ii) When repealing Subsection [53B-8-201](#)(2), the Office of Legislative Research and
621 General Counsel shall, in addition to its authority under Subsection [36-12-12](#)(3), make
622 necessary changes to subsection numbering and cross references.

623 [~~(10)~~] [\(11\)](#) Section [53B-10-101](#) is repealed on July 1, 2027.

624 [~~(11)~~] [\(12\)](#) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,
625 is repealed July 1, 2023.

626 [~~(12)~~] [\(13\)](#) Section [53E-3-519](#) regarding school counselor services is repealed July 1,
627 2020.

628 [~~(13)~~] [\(14\)](#) Section [53E-3-520](#) is repealed July 1, 2021.

629 [~~(14)~~] [\(15\)](#) Subsection [53E-5-306](#)(3)(b)(ii)(B), related to improving school
630 performance and continued funding relating to the School Recognition and Reward Program, is
631 repealed July 1, 2020.

632 [~~(15)~~] [\(16\)](#) Section [53E-5-307](#) is repealed July 1, 2020.

633 [~~(16)~~] [\(17\)](#) Subsection [53E-10-309](#)(7), related to the PRIME pilot program, is repealed
634 July 1, 2024.

635 [~~(17)~~] [\(18\)](#) In Subsections [53F-2-205](#)(4) and (5), regarding the State Board of
636 Education's duties if contributions from the minimum basic tax rate are overestimated or
637 underestimated, the language that states "or [53F-2-301.5](#), as applicable" is repealed July 1,
638 2023.

639 [~~(18)~~] [\(19\)](#) Subsection [53F-2-301](#)(1), relating to the years the section is not in effect, is
640 repealed July 1, 2023.

641 [~~(19)~~] [\(20\)](#) In Subsection [53F-2-515](#)(1), the language that states "or [53F-2-301.5](#), as
642 applicable" is repealed July 1, 2023.

643 [~~(20)~~] [\(21\)](#) Section [53F-4-207](#) is repealed July 1, 2022.

644 [~~(21)~~] [\(22\)](#) In Subsection [53F-9-302](#)(3), the language that states "or [53F-2-301.5](#), as
645 applicable" is repealed July 1, 2023.

646 ~~[(22)]~~ (23) In Subsection 53F-9-305(3)(a), the language that states "or 53F-2-301.5, as
647 applicable" is repealed July 1, 2023.

648 ~~[(23)]~~ (24) In Subsection 53F-9-306(3)(a), the language that states "or 53F-2-301.5, as
649 applicable" is repealed July 1, 2023.

650 ~~[(24)]~~ (25) In Subsection 53G-3-304(1)(c)(i), the language that states "or 53F-2-301.5,
651 as applicable" is repealed July 1, 2023.

652 ~~[(25)]~~ (26) Subsections 53G-10-204(1)(c) through (e), and Subsection 53G-10-204(7),
653 related to the civics engagement pilot program, are repealed on July 1, 2023.

654 ~~[(26)]~~ (27) On July 1, 2023, when making changes in this section, the Office of
655 Legislative Research and General Counsel shall, in addition to the office's authority under
656 Subsection 36-12-12(3), make corrections necessary to ensure that sections and subsections
657 identified in this section are complete sentences and accurately reflect the office's perception of
658 the Legislature's intent.

659 Section 13. Section 72-1-304 is amended to read:

660 **72-1-304. Written project prioritization process for new transportation capacity**
661 **projects -- Rulemaking.**

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

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

667 (ii) paved pedestrian or paved nonmotorized transportation projects that:

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

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

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

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

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

676 (ii) If a local government or district nominates a project for prioritization by the

677 commission, the local government or district shall provide data and evidence to show that:

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

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

681 (C) the local government or district will provide 40% of the costs for the project as
682 required by Subsection 72-2-124(4)(a)(viii) or 72-2-124(9)(e).

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

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

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

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

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

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

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

696 (A) employment;

697 (B) educational facilities;

698 (C) recreation;

699 (D) commerce; and

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

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

704 (iii) any matching funds provided by a political subdivision or public transit district in
705 addition to the 40% required by Subsections 72-2-124(4)(a)(viii) and 72-2-124(9)(e).

706 (3) (a) When prioritizing a public transit project that increases capacity, the
707 commission may give priority consideration to projects that are part of a transit-oriented

708 development or transit-supportive development as defined in Section [17B-2a-802](#).

709 (b) When prioritizing a public transit or transportation project that increases capacity,
710 the commission may give priority consideration to projects that are part of a transportation
711 reinvestment zone created under Section [11-13-227](#) if:

712 (i) the state is a participant in the transportation reinvestment zone; or

713 (ii) the commission finds that the transportation reinvestment zone provides a benefit
714 to the state transportation system.

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

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

718 (b) may not consider local matching dollars as provided under Section [72-2-123](#) unless
719 the state provides an equal opportunity to raise local matching dollars for state highway
720 improvements within each county.

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

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

728 Section 14. Section [72-2-121](#) is amended to read:

729 **[72-2-121. County of the First Class Highway Projects Fund.](#)**

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

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

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

735 (b) the portion of the sales and use tax described in Subsection [59-12-2214\(3\)\(b\)](#)
736 deposited in or transferred to the fund;

737 (c) the portion of the sales and use tax described in Section [59-12-2217](#) deposited in or
738 transferred to the fund; and

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

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

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

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

745 (a) to pay debt service and bond issuance costs for bonds issued under Sections
746 63B-16-102, 63B-18-402, and 63B-27-102;

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

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

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

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

755 (iii) a facility that may include a:

756 (A) pedestrian or nonmotorized vehicle trail;

757 (B) nonmotorized vehicle storage facility;

758 (C) pedestrian or vehicle bridge; or

759 (D) vehicle parking lot or parking structure;

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

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

766 (f) for a fiscal year beginning on or after July 1, 2013, and after the department has
767 verified that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund, to
768 transfer an amount equal to 50% of the revenue generated by the local option highway
769 construction and transportation corridor preservation fee imposed under Section 41-1a-1222 in

770 a county of the first class:

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

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

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

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

775 (g) for fiscal year 2015-16 only, and after the department has verified that the amount

776 required under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under

777 Subsection (4)(e) has been made, to transfer an amount equal to \$25,000,000:

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

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

780 (h) for a fiscal year beginning on or after July 1, 2015, after the department has verified

781 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and the

782 transfer under Subsection (4)(e) has been made, to annually transfer an amount equal to up to

783 42.5% of the sales and use tax revenue imposed in a county of the first class and deposited into

784 the fund in accordance with Subsection 59-12-2214(3)(b) to:

785 (i) the appropriate debt service or sinking fund for the repayment of bonds issued under

786 Section 63B-27-102; and

787 (ii) the Transportation Fund created in Section 72-2-102 until \$28,079,000 has been

788 deposited into the Transportation Fund;

789 (i) for a fiscal year beginning on or after July 1, 2018, after the department has verified

790 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after

791 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers

792 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount

793 deposited into the fund under Subsection (2)(b) to a public transit district in a county of the

794 first class to fund a system for public transit;

795 (j) for a fiscal year beginning on or after July 1, 2018, after the department has verified

796 that the amount required under Subsection 72-2-121.3(4)(c) is available in the fund and after

797 the transfer under Subsection (4)(d), the payment under Subsection (4)(e), and the transfers

798 under Subsections (4)(h)(i) and (ii) have been made, to annually transfer 20% of the amount

799 deposited into the fund under Subsection (2)(b):

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

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

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

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

809 (ii) \$1,000,000 to Herriman for highway improvements to Herriman Boulevard from
810 6800 West to 7300 West;

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

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

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

816 (vi) \$1,000,000 to Draper for highway improvements to Lone Peak Parkway from
817 11400 South to 12300 South;

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

819 (viii) \$900,000 to South Jordan City for right-of-way acquisition and improvements to
820 10200 South from 2700 West to 3200 West;

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

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

824 (xi) \$500,000 to Salt Lake County for highway improvements to 2650 South from
825 7200 West to 8000 West; and

826 (l) for a fiscal year beginning after the amount described in Subsection (4)(h) has been
827 repaid to the Transportation Fund until fiscal year 2030, or sooner if the amount described in
828 Subsection (4)(h)(ii) has been repaid, after the department has verified that the amount required
829 under Subsection 72-2-121.3(4)(c) is available in the fund and the transfer under Subsection
830 (4)(e) has been made, and after the bonds under Section 63B-27-102 have been repaid, to
831 annually transfer an amount equal to up to 42.5% of the sales and use tax revenue imposed in a

832 county of the first class and deposited into the fund in accordance with Subsection
833 59-12-2214(3)(b):

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

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

836 (5) The revenues described in Subsections (2)(b), (c), and (d) that are deposited in the
837 fund and bond proceeds from bonds issued under Sections 63B-16-102, 63B-18-402, and
838 63B-27-102 are considered a local matching contribution for the purposes described under
839 Section 72-2-123.

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

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

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

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

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

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

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

859 (i) six members who are residents of the county, nominated by the county executive
860 and confirmed by the county legislative body who are:

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

- 863 (B) county council members; or
- 864 (C) other residents with expertise in transportation planning and funding; and
- 865 (ii) seven members nominated by the county executive, and confirmed by the county
- 866 legislative body, chosen from mayors or managers of cities or towns within the county.
- 867 (d) (i) A majority of the members of the county transportation advisory committee
- 868 constitutes a quorum.
- 869 (ii) The action by a quorum of the county transportation advisory committee constitutes
- 870 an action by the county transportation advisory committee.
- 871 (e) The county body shall determine:
- 872 (i) the length of a term of a member of the county transportation advisory committee;
- 873 (ii) procedures and requirements for removing a member of the county transportation
- 874 advisory committee;
- 875 (iii) voting requirements of the county transportation advisory committee;
- 876 (iv) chairs or other officers of the county transportation advisory committee;
- 877 (v) how meetings are to be called and the frequency of meetings, but not less than once
- 878 annually; and
- 879 (vi) the compensation, if any, of members of the county transportation advisory
- 880 committee.
- 881 (f) The county shall establish by ordinance criteria for prioritization and ranking of
- 882 projects, which may include consideration of regional and countywide economic development
- 883 impacts, including improved local access to:
- 884 (i) employment;
- 885 (ii) recreation;
- 886 (iii) commerce; and
- 887 (iv) residential areas.
- 888 (g) The county transportation advisory committee shall evaluate and rank each
- 889 proposed public transit project and regionally significant transportation facility according to
- 890 criteria developed pursuant to Subsection (9)(f).
- 891 (h) (i) After the review and ranking of each project as described in this section, the
- 892 county transportation advisory committee shall provide a report and recommend the ranked list
- 893 of projects to the county legislative body and county executive.

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

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

901 (i) the amount of revenue received into the fund during the past year;

902 (ii) any funds available for allocation;

903 (iii) funds obligated for debt service; and

904 (iv) the outstanding balance of transportation-related debt.

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

908 Section 15. Section **72-2-124** is amended to read:

909 **72-2-124. Transportation Investment Fund of 2005.**

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

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

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

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

916 (c) registration fees designated under Section [41-1a-1201](#);

917 (d) the sales and use tax revenues deposited into the fund in accordance with Section
918 [59-12-103](#); and

919 (e) revenues transferred to the fund in accordance with Section [72-2-106](#).

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

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

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

924 (i) the costs of maintenance, construction, reconstruction, or renovation to state and

925 federal highways prioritized by the Transportation Commission through the prioritization
926 process for new transportation capacity projects adopted under Section 72-1-304;

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

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

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

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

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

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

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

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

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

948 (C) are prioritized by the commission through the prioritization process for new
949 transportation capacity projects adopted under Section 72-1-304.

950 (b) The executive director may use fund money to exchange for an equal or greater
951 amount of federal transportation funds to be used as provided in Subsection (4)(a).

952 (5) (a) Except as provided in Subsection (5)(b), the executive director may not program
953 fund money to a project prioritized by the commission under Section 72-1-304, including fund
954 money from the Transit Transportation Investment Fund, within the boundaries of a
955 municipality that is required to adopt a moderate income housing plan element as part of the

956 municipality's general plan as described in Subsection 10-9a-401(3), if the municipality has
957 failed to adopt a moderate income housing plan element as part of the municipality's general
958 plan or has failed to implement the requirements of the moderate income housing plan as
959 determined by the results of the Department of Workforce Service's review of the annual
960 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

961 (b) Within the boundaries of a municipality that is required under Subsection
962 10-9a-401(3) to plan for moderate income housing growth but has failed to adopt a moderate
963 income housing plan element as part of the municipality's general plan or has failed to
964 implement the requirements of the moderate income housing plan as determined by the results
965 of the Department of Workforce Service's review of the annual moderate income housing
966 report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

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

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

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

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

976 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
977 director before May 1, 2020, for projects prioritized by the commission under Section
978 72-1-304.

979 (6) (a) Except as provided in Subsection (6)(b), the executive director may not program
980 fund money to a project prioritized by the commission under Section 72-1-304, including fund
981 money from the Transit Transportation Investment Fund, within the boundaries of the
982 unincorporated area of a county, if the county is required to adopt a moderate income housing
983 plan element as part of the county's general plan as described in Subsection 17-27a-401(3) and
984 if the county has failed to adopt a moderate income housing plan element as part of the county's
985 general plan or has failed to implement the requirements of the moderate income housing plan
986 as determined by the results of the Department of Workforce Service's review of the annual

987 moderate income housing report described in Subsection 35A-8-803(1)(a)(vii).

988 (b) Within the boundaries of the unincorporated area of a county where the county is
989 required under Subsection 17-27a-401(3) to plan for moderate income housing growth but has
990 failed to adopt a moderate income housing plan element as part of the county's general plan or
991 has failed to implement the requirements of the moderate income housing plan as determined
992 by the results of the Department of Workforce Service's review of the annual moderate income
993 housing report described in Subsection 35A-8-803(1)(a)(vii), the executive director:

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

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

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

1000 (iv) may not program Transit Transportation Investment Fund money for the
1001 construction, reconstruction, or renovation of a station that is part of a fixed guideway public
1002 transportation project.

1003 (c) Subsections (5)(a) and (b) do not apply to a project programmed by the executive
1004 director before July 1, 2020, for projects prioritized by the commission under Section 72-1-304.

1005 (7) (a) Before bonds authorized by Section 63B-18-401 or 63B-27-101 may be issued
1006 in any fiscal year, the department and the commission shall appear before the Executive
1007 Appropriations Committee of the Legislature and present the amount of bond proceeds that the
1008 department needs to provide funding for the projects identified in Subsections 63B-18-401(2),
1009 (3), and (4) or Subsection 63B-27-101(2) for the current or next fiscal year.

1010 (b) The Executive Appropriations Committee of the Legislature shall review and
1011 comment on the amount of bond proceeds needed to fund the projects.

1012 (8) The Division of Finance shall, from money deposited into the fund, transfer the
1013 amount of funds necessary to pay principal, interest, and issuance costs of bonds authorized by
1014 Section 63B-18-401 or 63B-27-101 in the current fiscal year to the appropriate debt service or
1015 sinking fund.

1016 (9) (a) There is created in the Transportation Investment Fund of 2005 the Transit
1017 Transportation Investment Fund.

- 1018 (b) The fund shall be funded by:
- 1019 (i) contributions deposited into the fund in accordance with Section [59-12-103](#);
- 1020 (ii) appropriations into the account by the Legislature;
- 1021 (iii) private contributions; and
- 1022 (iv) donations or grants from public or private entities.
- 1023 (c) (i) The fund shall earn interest.
- 1024 (ii) All interest earned on fund money shall be deposited into the fund.
- 1025 (d) Subject to Subsection (9)(e), the Legislature may appropriate money from the fund
- 1026 for public transit capital development of new capacity projects to be used as prioritized by the
- 1027 commission through the prioritization process adopted under Section [72-1-304](#).
- 1028 (e) (i) The Legislature may only appropriate money from the fund for a public transit
- 1029 capital development project or pedestrian or nonmotorized transportation project that provides
- 1030 connection to the public transit system if the public transit district or political subdivision
- 1031 provides funds of equal to or greater than 40% of the costs needed for the project.
- 1032 (ii) A public transit district or political subdivision may use money derived from a loan
- 1033 granted pursuant to Title 72, Chapter 2, Part 2, State Infrastructure Bank Fund, to provide all or
- 1034 part of the 40% requirement described in Subsection (9)(e)(i) if:
- 1035 (A) the loan is approved by the commission as required in Title 72, Chapter 2, Part 2,
- 1036 State Infrastructure Bank Fund; and
- 1037 (B) the proposed capital project has been prioritized by the commission pursuant to
- 1038 Section [72-1-303](#).
- 1039 Section 16. Section **72-9-501** is amended to read:
- 1040 **72-9-501. Construction, operation, and maintenance of ports-of-entry by the**
- 1041 **department -- Function of ports-of-entry -- Checking and citation powers of port-of-entry**
- 1042 **agents.**
- 1043 (1) (a) The department shall construct ports-of-entry for the purpose of checking motor
- 1044 carriers, drivers, vehicles, and vehicle loads for compliance with state and federal laws
- 1045 including laws relating to:
- 1046 (i) driver qualifications;
- 1047 (ii) Title 53, Chapter 3, Part 4, Uniform Commercial Driver License Act;
- 1048 (iii) vehicle registration;

- 1049 (iv) fuel tax payment;
1050 (v) vehicle size, weight, and load;
1051 (vi) security or insurance;
1052 (vii) this chapter;
1053 (viii) hazardous material as defined under 49 U.S.C. 5102; and
1054 [~~(ix) livestock transportation; and~~]
1055 [~~(x)~~] (ix) safety.
- 1056 (b) The ports-of-entry shall be located on state highways at sites determined by the
1057 department.
- 1058 (2) (a) The ports-of-entry shall be operated and maintained by the department.
- 1059 (b) A port-of-entry agent or a peace officer may check, inspect, or test drivers, vehicles,
1060 and vehicle loads for compliance with state and federal laws specified in Subsection (1).
- 1061 (3) (a) A port-of-entry agent or a peace officer, in whose presence an offense described
1062 in this section is committed, may:
- 1063 (i) issue and deliver a misdemeanor or infraction citation under Section 77-7-18;
1064 (ii) request and administer chemical tests to determine blood alcohol concentration in
1065 compliance with Section 41-6a-515;
1066 (iii) place a driver out-of-service in accordance with Section 53-3-417; and
1067 (iv) serve a driver with notice of the Driver License Division of the Department of
1068 Public Safety's intention to disqualify the driver's privilege to drive a commercial motor vehicle
1069 in accordance with Section 53-3-418.
- 1070 (b) This section does not grant actual arrest powers as defined in Section 77-7-1 to a
1071 port-of-entry agent who is not a peace officer or special function officer designated under Title
1072 53, Chapter 13, Peace Officer Classifications.
- 1073 (4) (a) A port-of-entry agent, a peace officer, or the Division of Wildlife Resources
1074 may inspect, detain, or quarantine a conveyance or equipment in accordance with Sections
1075 23-27-301 and 23-27-302.
- 1076 (b) The department is not responsible for decontaminating a conveyance or equipment
1077 detained or quarantined.
- 1078 (c) The Division of Wildlife Resources may decontaminate, as defined in Section
1079 23-27-102, a conveyance or equipment at the port-of-entry if authorized by the department.

1080 Section 17. Section 72-9-502 is amended to read:

1081 **72-9-502. Motor vehicles to stop at ports-of-entry -- Signs -- Exceptions --**

1082 **Rulemaking -- By-pass permits.**

1083 (1) Except under Subsection (3), a motor carrier operating a motor vehicle with a gross
1084 vehicle weight of 10,001 pounds or more [~~or any motor vehicle carrying livestock as defined in~~
1085 ~~Section 4-24-102~~] shall stop at a port-of-entry as required under this section.

1086 (2) The department may erect and maintain signs directing motor vehicles to a
1087 port-of-entry as provided in this section.

1088 (3) A motor vehicle required to stop at a port-of-entry under Subsection (1) is exempt
1089 from this section if:

1090 (a) the total one-way trip distance for the motor vehicle would be increased by more
1091 than 5% or three miles, whichever is greater if diverted to a port-of-entry;

1092 (b) the motor vehicle is operating under a temporary port-of-entry by-pass permit
1093 issued under Subsection (4); or

1094 (c) the motor vehicle is an implement of husbandry as defined in Section 41-1a-102
1095 being operated only incidentally on a highway as described in Section 41-1a-202.

1096 (4) (a) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1097 the department shall make rules for the issuance of a temporary port-of-entry by-pass permit
1098 exempting a motor vehicle from the provisions of Subsection (1) if the department determines
1099 that the permit is needed to accommodate highway transportation needs due to multiple daily or
1100 weekly trips in the proximity of a port-of-entry.

1101 (b) The rules under Subsection (4)(a) shall provide that one permit may be issued to a
1102 motor carrier for multiple motor vehicles.